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Yerba Buena redevelopment:

Relocation without representation



By Blair Paltridge

At the corner of Fourth and Mission Streets in front of the Milner Hotel an unlikely group of demonstrators gathered on Dec. 3 to march to San Francisco's Federal Building. There were mainly old men with fleshy, sagging faces topped by shapeless felt hats--more than a few wore faded, threadbare clothes. They marched in protest of the SF Redevelopment Agency's tactics to remove them from their homes to make way for the Yerba Buena Center.

The Redevelopment Agency is proceeding with its grand design to level the entire area between Market and Harrison Sts. and Second and Fourth, using \$49,754,729 of federal funds from the Department of Housing and Urban Development (HUD). It plans to lease the land to a private developer who will erect a mammoth complex of office buildings, convention facilities and parking lots.

The Redevelopment Agency is removing more than 4,000 persons from the Yerba Buena project area with no effective plans to supply adequate housing for them at a time when San Francisco faces a severe housing shortage. (The city-wide vacancy rate is less than one per cent.)

Public housing amounts to only one and a half per cent of the city's total housing and no public housing family units have been built since 1963. Furthermore, since 1963, only 110 public housing units for the elderly have been constructed in a city with a higher than average elderly population--about 14 per cent compared to the national average of nine per cent.

In 1964, the Board of Super-
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The local battlefields: the draft boards and courts

By Julia Cheever

President Nixon's new draft lottery has changed the order in which draft boards call up eligible men. But it has neither diminished the extraordinary power of local draft boards to grant various kinds of non-student deferments, nor will it make San Francisco draft boards more representative of their communities.

Two years ago, the Guardian's Eugene Hunn exposed glaring inequities in San Francisco draft board appointments--the first detailed draft expose in this country. The Guardian's new check reveals reform since then

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**Vietnam and
the black revolt
have cracked
the privileged
sanctuaries
of draft boards
and the courts**

By Dale Rosen

A strange thing happened at the mid-November trial of Dan Siegel, charged with inciting to riot in the People's Park demonstrations last May. After deliberating for nearly five hours, the jurors returned to the courtroom and asked Judge Barsotti if they had any alternatives to an "innocent" or "guilty" verdict.

No, Barsotti said. The jury retired for ten minutes, returned and acquitted Siegel.

Some jurors, particularly one holding out for conviction, apparently wanted to express their

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Bill Anderson reports:

Riding the Tiger

**The International Industrialists'
Conference at the Fairmont Hotel**

You walk out in the morning and think it's a fine day until you remember to look at the horizon, where there's always a rim of dirty air and smog; in the afternoon the rush hour starts about 2 o'clock. The federal government is going to restrict the use of DDT, the papers are full of news about the ecological disaster apparently already upon us, and you suddenly realize that the whole world is a system, alive with energy, technology and money.

Immediately you see that it must be made to work better than it appears to be working now and, if you're anything like me, you begin, romantically, to think about nature and people sitting on the grass and the conservation of animals, the world-wide eradication of poverty and disease... But a large, powerful group of men with entirely different ideas about what the world will become in the

70's gathered in San Francisco in September.

The total industrial output of the developing countries is still less than one-eighth of the richer countries like West Germany (about the same as it was in 1963) and most of the developing world's exports still come from minerals, fuel, agriculture. Food supplies for poor nations will have to be doubled by the year 2000 just to keep even with present population forecasts and nutritional levels. Nobody is happy about facts like these, according to conference literature, and therefore, over 600 business executives from all over the free world are gathered at the Fairmont Hotel for the International Industrialists' conference on 'closing the world's income gap.'

The students of the San Francisco Bay Area know why the industrialists

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Sketch by Marion Dibble

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Keep the revolution out of jail--

The political fallout from Vietnam and the black revolt has inundated Bay Area courts with political defendants: Wayne Green, Dan Siegel, Huey Newton, Bobby Seale, to name the most publicized, and more than 700 from the San Francisco State College strike, 900 from the Berkeley People's Park, 122 from the Sproul Hall sit-in, 76 from the Moses Hall occupation, 38 from the recent Fairmont Hotel demonstrations, 27 from the Presidio, seven from Stop the Draft Week and Los Siete de la Raza.

Thousands of draft resisters have tied up the federal courts.

The stakes of political dissent and draft resistance escalate as convicted defendants face progressively harsher sentences. One example: sentences on three misdemeanor charges from the Jan. 23 mass arrest at SF State. Those convicted in June and early July -- 15 days in jail. Those convicted in late July and August -- 30-60 days in jail. Those convicted in October and November -- as high as six months in jail.

To defend against politically motivated arrests and prosecutions, lawyers and defendants have developed three main lines of political strategy: (1) "right" strategy, a strict legal defense used primarily by traditional liberal attorneys and ACLU constitutional specialists; (2) "center" strategy, an attempt to "politicize" the jury; and (3) "left" strategy, a defense often without attorneys, aimed at denouncing the court.

- continued from page 1

disapproval of what Siegel had done, while affirming his innocence of the stated charge. The jury found the law inadequate to the occasion.

Conversely, the jurors might have believed the defendant technically guilty, but morally justified. Atty. William Kunstler, in the appeal brief of U.S. v. Berrigan et al., argues that juries have the right to make such decisions, the right to determine law as well as fact.

"The trial judge should have informed the jury that it had the power to acquit appellants even if they were clearly guilty of the charged offenses or permitted their counsel to do so. . . .

"If the jury is, ideally, a representative cross-section of the community, and the defendant is willing to admit that he is indeed guilty of the acts in

question, why, then, may he not be acquitted if the community, represented by the panel, approves" of the commission of these acts?

The right of the jury to nullify the law, if recognized by the Supreme Court and clearly explained to jurors, opens the field for political defense in the courts. It places the jury in the role of "community conscience," to determine whether, "under certain circumstances, some laws should indeed be broken with impunity."

This of course puts a premium on "organizing" the jury: to win acquittal, defendants must convince jurors of the political imperatives of their actions and the reality of the jurors' own power.

A San Francisco State Legal Defense Committee pamphlet outlines this strategy as an "at-

tempt to educate the jury through a combination of factual evidence, some minimal reliance on first amendment constitutional arguments, and a heavy emphasis on establishing the motivations of the defendants."

Thus in the Siegel case, the defense entered a transcript of the allegedly inflammatory speech, claimed first amendment protection and stressed Siegel's repudiation of political violence.

The Sproul Plaza speech concluded: "People, be careful. Don't let those pigs beat the shit out of you. Don't let yourselves be arrested on felonies. Go down there and take the park." Siegel testified this was a call for peaceful victory.

Given a right-left spectrum, such a legal strategy can be defined as "center." A "center" defense, however, does not suit all political defendants. The Progressive Labor Party advocates a "left" strategy: Members denounce the court as a repressive arm of the government and rest the defense case on the party platform.

In accordance with its total opposition to capitalism

and the American government, PL refuses to acknowledge the "legitimacy" of the judicial system. Attorneys, as officers of the court, are by definition enemies. PL defendants must confront the jury without intermediaries, aiming not primarily for acquittal but to build solidarity, present their politics to the jury, "carry the struggle into the courts."

Airtight case

Those who think raising political issues damages their chances in court choose what may be called a "right" strategy: an airtight "legal" case aiming solely at acquittal. Discussing the SF State "mass bust" cases, for example, Presiding Municipal Judge Joseph C. Kennedy told the Guardian he thinks defense lawyers prejudiced their own case by injecting politics into the trial. On strictly legal questions, he believes, they could win acquittals of all State defendants.

Ignoring political issues, Oakland Atty. Mal Burnstein argues, does not assure a non-political trial, merely a non-political defense. In a recent National Lawyer's Guild Practitioner, he writes:

"A trial strategy designed to eliminate political issues from the courtroom is doomed to failure, for the prevailing public biases will not be mystically ripped from the jurors' minds by a vague and general promise to ignore them in reaching their verdict. Therefore, the only realistic way to deal with a political trial is to meet the political issues head-on."

Moreover, Berkeley Atty. Fay Stender points out, an "airtight" defense may not be possible in cases when police and other prosecution witnesses perjure themselves in testimony. Defense witnesses, she told the Guardian, can challenge police statements, but cannot always disprove them.

The court game

Yet defendants who agree to "play the court's game" may be rewarded with lighter sentences. Many SF State cases, claims Tony Serra, defense lawyer in several of them, could have been "dealt out of court" if defendants had agreed to waive jury trials. Instead, defendants took their chances on verdicts and sentencing in court.

In a State case last January, two PL members, Susan Bethell and Larry Larsen, defended themselves. They described PL politics, testified about their activities in organizing the SF State demonstrations and strike and denied the validity of judges' orders and legal statutes.

The jury convicted three of the four defendants in this trial (a fifth defendant pled guilty and did not come to trial). But SF Municipal Judge Fitz-Gerald Ames, Sr. imposed the maximum sentence (on three counts, a total of 12 months) on only the two PL defendants.

His decision, the Judge told the Guardian, took into account the defendants' motives and "rehabilitation possibilities."

Judge Ames contends he made no political judgment: The Progressive Labor Party is not political, the Judge insisted, but revolutionary. It wouldn't matter to him if they were Dem-

ocrats, Republicans or even social democrats, he said. Defendants' PLP membership did not influence his decision, only what they testified they and the Party stand for--revolution, the violent overthrow of the American government.

The two other defendants in this trial claimed they did not advocate violent overthrow of the government. Ames instructed the jury to acquit one and he sentenced the other to 30 days, reducing it to time served.

In another State case, Mal Burnstein, chief trial counsel, presented a successful "center" political defense. In voir dire questioning during jury selection, he read the 15 strike demands and asked the jury if these prejudiced them against the defendants.

He stressed defendants' motives and political reasons for attending the rally at which they were busted. He introduced pictures and testimony of police brutality, discrediting police evidence and claiming it was dangerous to disperse. He denied the rally "disturbed the peace." In summation, he claimed a guilty verdict would be unconstitutional and un-American.

The trial lasted seven weeks. Within two hours, the jury returned a "not guilty" verdict.

Stop the trial

But under certain conditions a "center" strategy, or for that matter any political defense, is inapplicable. A hostile judge, for example, may quash all attempts to raise political issues. Take the Chicago 8 conspiracy trial before District Court Judge Julius J. Hoffman. One defendant, Tom Hayden, contends:

"Just as we don't believe a fair trial is possible, we don't believe that it's possible to politicize the inside of a courtroom in any fundamental sense. . . . We're gonna try to raise political issues. The government is going to try to prevent us from airing them at all."

The Chicago 8 have developed a dual strategy: simultaneous campaigns in and against the courts. The Conspiracy devotes its energies to mobilizing radicals to pressure the government to "stop the trial." "The way we approach this," explained defendant Rennie Davis, "is: how do you increase the cost to Richard Nixon of carrying out this trial?"

Still, defendants must appear in court. Against the legal system's built-in resistance to political defense, Movement people and their lawyers contrive wedges to drive home political points.

Mal Burnstein, in his Guild Practitioner article, discusses specific court tactics. First, he advises motions for continuance, change of venue, dismissal or mistrial based on adverse publicity. The defense may also file a demurrer--challenging a law's constitutionality, attacking the grand jury's composition or in other ways attacking the charge itself. At this point first and fifth amendment issues may be raised.

Such pre-trial motions, resorted to in either "center" or "right" defense strategies, do not in themselves constitute a

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--the political defense strategies



Sketch by Marion Dibble

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political case but may develop relevant political points. In challenging a grand jury's middle and upper-class composition, for example, the defense may make sociological and political arguments for quashing an indictment (see "The Exposers Exposed," Bay Guardian, Dec. 24, 1968).

The Movement Liberation Front's (MLF) Radical Defense Handbook cautions, however, "All of these affirmative actions have more chance of losing than winning. People should not have false expectations about justice in the courts. The fight is the important part. The result can usually be predicted."

Both Burnstein and the MLF Handbook say that political defendants stand a better chance in a jury trial than before a judge.

"Basically jurors are more reachable than a judge, in a political case," the Handbook states. "They come to the case with the passions of the community and the misinformation of the mass media. But usually they are not part of the power structure and they don't have the same vested class interests."

Voir dire

A juror's prejudices and "misinformation" exposed in voir dire questioning can disqualify him from the jury panel. When unable to excuse jurors "for cause," both the defense and prosecution use peremptory ("without cause") challenges to try to stack the jury in their favor.

The MLF Handbook categorizes jurors as prejudiced and honest; prejudiced but dishonest; truly ignorant; and confused. Jurors in the latter two categories, MLF claims, can be reached "if their class or racial backgrounds make identification with the defendants possible." Jurors in the first category can be excused for cause; those in the second, the most dangerous, ought to be peremptorily challenged.

Jury selection opens other possibilities for political defense: first, challenging the constitutionality of the jury panel and

second, educating jurors to radical politics and the facts of state repression.

For example, lawyers can challenge the jury panel on fourteenth amendment grounds, claiming systematic exclusion of non-whites or women.

Charles Garry and Fay Stender, in the appeal brief of Huey Newton's manslaughter conviction, developed extensive argument against both the grand jury and trial jury panel, contending the grand jury is illegally constituted because it systematically excludes black people, poor people and minority groups.

Trial by peers

The master jury panel, the brief continues, chosen from voter registration lists, "underrepresents black people by at least 20 per cent; then, substantially greater proportions of the black people called for jury duty are excused by administrative procedures; then, substantially greater proportions of the black people voir dired are excused for cause because they oppose capital punishment; then, all black persons but one are peremptorily excused by the prosecution." Thus, black people are denied trial by their peers.

In jury selection, defense lawyers can confront prospective jurors with their own prejudices--against black people, communists, students, hippies.

In the Oakland 7 conspiracy case stemming from Stop

the Draft Week of Oct. 1967, co-defense lawyer Burnstein reports, the defense asked jurors, "if they would be prejudiced against a defendant who believed not only that the war in Vietnam was unjust, illegal and immoral, but who believed that the war was simply a part of a generally imperialist and racist U.S. foreign policy."

Besides exposing jurors' prejudices, voir dire questioning has a more subtle effect. Burnstein explains: "By talking politics in the preliminary stages of the trial, the prosecution's weapon of the political question for its shock value in cross-examination of the defendant or defense witnesses is materially weakened."

The defense's opening statement to the jury can further develop political arguments, explain radical slogans and phrases, expose selective prosecution and describe defendants' intent or state of mind.

If defendants choose to defend themselves, as did 12 of the Milwaukee 14 draft board raiders, each has the right to an opening and a closing statement. The court allows such "lay advocates" wider latitude of testimony than it allows professional lawyers. By confront-

ing jurors directly, the accused can reach their sympathies more easily; the D.A. looks more like the villain.

In the Milwaukee 12 trial, District Atty. Allen Samson complained, "I'm constantly having to argue admissibility of evidence in front of the jury, which makes me look as if I'm holding back all kinds of information which the jury is entitled to hear."

But defendant's testimony runs the risks of filling in gaps in the prosecution's case; alienating the jury by the defendant's style; or, in a case involving multiple defendants, convicting co-defendants. In deciding whether to testify, defendants using "center" strategy must weigh these risks against the advantages of explaining their politics and motives and of denying prosecution inferences.

Court tactics

The trial begins. Defense attorneys cross-examine prosecution witnesses with an eye to discrediting their testimony. In the Oakland 7 trial, for example, defense attorney asked Robert Wheeler, a plainclothes policeman testifying for the prosecution: "Tell us all the untruths you told (defendant) Bob Mandel on the telephone" (to pass himself off as a radical activist). Wheeler answered: "I can't remember them all, there were a whole handful."

Political lawyers also use cross-examination to demonstrate tactics of state repression. Oakland 7 co-defense Atty. Charles Garry questioned police witnesses about their riot gear: uniforms, guns, cuffs, gas masks, mace, batons, billy clubs and riot sticks; he presented evidence of riot equipment, undercover espionage, wire taps and other police paraphernalia; his aim--to

expose police state tactics many jurors regard as un-American.

In the crucial closing argument and jury instructions, the defense lawyer must give jurors a legal argument for acquittal, including their right to nullify the law.

Jurors in the Oakland 7 and SF State trials, Burnstein recalls, "paid close attention to the Court's charge and attempted to follow it. If they were to find for the defense, therefore, they had to do so within the framework of the Court's instructions and it became crucial to give them a handle for that end." Using this approach, Burnstein has won his last three major political cases.

Planning "center" strategy requires a truthful, reciprocal relationship between client and attorney. The defendant explains his politics to his lawyer; together they determine tactics and omit from testimony political points they deem irrelevant to the issues of the trial or too time-consuming for court. How much control should an attorney wield in making such decisions?

In a Guardian interview, Burnstein suggested the client should

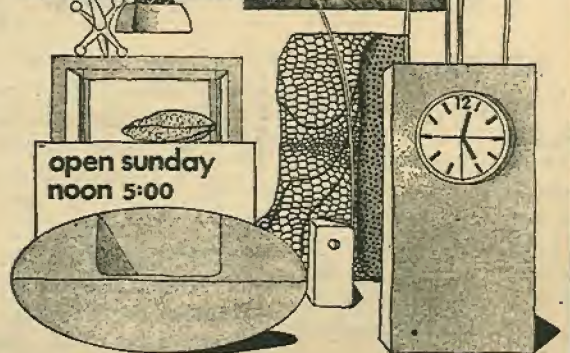
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Looking for a bizarre Christmas gift?



See page 15.

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In education as in ecology - 'the earth strikes back'

Overnight, it has become apparent that man has destroyed his environment to the point where the earth strikes back. Overnight, ecology has become more fashionable amongst both old and young than hobble skirts or hula hoops ever were.

Even the mindless administration of Calvin Coolidge Jr. has been prodded by its mechanical brains on loan from J. Walter Thompson into a brainless cognizance: not of the threat of a poisoned environment to the human race, but of the threat of concerned effete snobs to its own cheap political image.

Kept scientists from White House kennels go to conferences on the environmental disaster, get up and say to the objective and informed scientists there gathered:

"You boys can't expect us to take back to our president all this calamity howling! You've got to accentuate the upbeat. The sane sensible silent solid majority of good Americans knows that growth equals prosperity and they're not going to buy anything else. This administration and any other administration that could take its place is committed to growth everywhere.

"That's what keeps us ahead and makes us the greatest, happiest, best educated, most prosperous society the world has ever seen. I don't think you boys have been doing your homework. I'm just not going to tell the president all this communistic nonsense. It would just make him mad and pretty soon you fellows would find you weren't going to get any more government money for conferences like this."

Breakdown

We think of ecological breakdown in global, or at least large-scale, terms. True, Thor Heyerdahl found the dead center of the Atlantic Ocean accumulating filth like Lake Erie, so that techniques for desinfecting the drinking water could remove the salt but could not make the water potable. This scares people, but it's far away, like famines in China and India.

Breakdown occurs in nature in microenvironments. Life associations under a California valley oak fail when misuse of water destroys the water table and the oaks die out. First mutual aid goes; a struggle of each against all ensues, with a proliferation of malignant types; finally, death.

Similarly in education: Students at Berkeley, SF State, UCSB, UCLA are rightly concerned, even terrified, about the destruction of redwoods, pollution of San Francisco Bay and the Santa Barbara Channel, the slurbization of agriculture and omnipresence of smog. But first and foremost, they should look at themselves, at their own microecology.

**KENNETH
REXROTH**

Education is an interpersonal relationship strictly limited in size. When it grows beyond that it destroys both environment and people. At the critical point, tip-over occurs and mutual aid gives way; a struggle of each against all ensues, with a proliferation of malignant types; finally, death.

We have reached the point where the inmates of the educational system revolt against the destructive structure, try to break out and reestablish creative human relationships. Already we are approaching the point where the conflict will take another form, turn in upon itself.

As long as the struggle is directed against manifest evils of the structure symbolized by the Establishment, it remains creative. When conflict becomes internecine, when the victims divert their energies from victimization and turn on each other, breakdown is imminent.

We are on the brink.

The Establishment has met the crisis with sympathetic magic, handing out mimeographed rules from Dean's offices and true and false questionnaires and tinkering with the mechanics of the structure. Now they breathe a joyful sigh

of relief as S.D.S. breaks into battling cliques of Maoists, Trotskyites, Cheists, Weathermen and anarchists.

In the beginning, San Francisco State seemed one of the most creative schools in the country: a little bitty place, a half altered normal school down on lower Haight Street with an intimacy in its pedagogical relationship unequalled in the West.

Campus ecology

It moved to a magnificent site and proceeded to obliterate it with concrete chicken coops into which every year new thousands of white leghorns were stuffed and expected to lay golden eggs of knowledge.

This sort of thing is happening everywhere. At Santa Cruz and Irvine, where the original planners thought they had protected the environment, the saturation point has already been reached, yet administrators talk about doubling the enrollment by 1980.

If college administrations don't knuckle under with plans for an ever burgeoning G.N.P. of battery-raised pullets, Uncle Sam starts twisting arms with his little grants and subsidies.

Unless we are all killed off in race wars or kill ourselves with atoms, the major industrial nations will soon send everybody to college. We must limit population growth nationally and globally. The present rate of increase is destroying the environment which permits the species to exist.

But we must also cut down micro-populations in micro-environments, everywhere, and not least in education. In the next ten years, the universities of California and the state colleges should at least quadruple in number and the present college populations should be cut in half.

You certainly can't get a humane, humanitarian, humanistic education packed into a swarm of 50,000 people. You can't get a human one. You may not get a decent one even with a student population of four figures. For me 999 is the limit.

THE END

INSIDE

"Could you improve the face of the world's most enchanting city?"

This was the question put by the San Francisco Port Authority to 125 major U.S. real estate firms as it set out quietly last fall to put San Francisco's waterfront on the real estate market. The circular rhapsodized about "a real estate development opportunity unique in the history of San Francisco."

The land offered up for "improvement" stretches from Aquatic Park to China Basin. The "improvements" are hotels, commercial developments and the superduper projects announced by U.S. Steel, Dillingham, Oceanic Properties and an Italian subsidiary of the Vatican.

The prospect: removal of shipping and the Manhattanization of the best section of our waterfront.

And: the coming of the "Embarcadero City" long envisioned by the port's Cyril Magnin and Mayor Alioto.

The port's projected use of this land is not the issue of public control over privately owned land, as with Transamerica and the Telegraph Hill blockbuster. It is the issue of public control (through the port and the city) of the public use of publicly owned land. (Next issue: the politics of Embarcadero City.)

• • •

Vice-President Agnew made some telling points about media concentration and monopoly, but they amount to little more than bullying because:

(1) The Nixon/Agnew administration has gone out of its way to push the Newspaper Preservation Act--the very legislation that would legalize 22 joint agency monopolies throughout the country and insure the destruction of newspaper competition in the 38 cities left with daily competing newspapers.

The Monday of the week this fall that the Preservation Act came before the House subcommittee on Antitrust and Monopoly, Richard Berlin, president of Hearst Newspapers, Inc., had an hour's conference with President Nixon in the White House.

(White House reporters didn't ask Berlin or Nixon what was discussed and the White House wouldn't say when Paul Sturm, of the Straus Editors Report, inquired later.)

That week, the Justice Department testified as expected against the bill, but two days later the Commerce Department appeared and, to the surprise of everybody, testified in favor of the bill and against the Justice Department. A day later, the White House announced that Commerce, not Justice, was speaking for the Administration.

(2) The Nixon/Agnew administration has pushed the Pastore television bill (which would make it virtually impossible to challenge broadcast licenses, as Al Kilm and Mrs. Blanche Streeter are doing with KRON, the Chronicle subsidiary, in San Francisco.)

• • •

The power of a joint agency monopoly newspaper was never more clearly shown than in the Examiner/Chronicle's news blackout of Jack Morrison, the liberal supervisor, in the Nov. supervisory election.

Although there were other factors in Morrison's defeat, a crucial factor was his difficulty in getting publicity or an endorsement in either newspaper.

Neither paper likes Morrison much on issues, but the main reason he didn't get support is because he led the opposition to the Examiner/Chronicle's outrageous attempt to get a \$500,000 exemption from the city's gross receipts tax.

"Charlie was furious with Jack," as a Chronicle hand close to Chronicle Publisher Charles Thieriot put it.

By contrast, both papers ladled out gobs of publicity to Dorothy Von Beroldingen, the lightest of lightweights on the board. Dorothy led the fight for the exemption as the powerful head of the board's finance committee.

Warren Breed, a sociologist who has published several widely known studies, including "Social Control in the Newsroom," studied the Chronicle's coverage for an eight week period prior to the election. His findings:

SF Chronicle's election coverage

	Column inches	Number of entries	Preference ratio
Von Beroldingen	127½	44	2.90*
Tamaras	99	38	2.61*
Blake	63	37	1.70*
Boas	62	32	1.94*
Barbagelata	56	24	2.33*
Morrison	46½	30	1.55
Feinstein	40½	31	1.36

* Endorsed by the Chronicle.

Preference ratio is first column divided by second.

Eventual victors: Feinstein, Tamaras, Boas, Barbagelata, Von Beroldingen.

We have no president

By Wilbur Wood

The 60s are coming to a close and my generation--we who graduated from high school around the end of the 50s--would normally be moving into positions of power in this society, but very few of us are doing so, and the best of us are, as Bill Anderson writes, "in Mississippi, in hanoi, in/trances."

Or in jail, like Huey Newton. Or tied up in court. Or trying to stay out of the army. Or smuggling marijuana.

Perhaps we have no power because we do not take it. (Fewer and fewer of us in the industrialized nations, for example, bother to vote. The last French election was like the last American election, a young Frenchman told me recently, "who was there to vote for?") Perhaps we do not take power because we don't like the idea of power as de-

fined by our society: control over other people, over Nature, over our own feelings.

The Indians use the word power to mean power-flowing-through-me, the power of god, of the Universe, and this has nothing to do with control.

What it does have to do with is EXPRESSION:

It's like I.S.D. The first, sudden rush comes on and you're swimming for your life, trying to control this incredible energy pulsing through your body. And you only tie yourself into a knot.

After awhile you realize you can't control it any more than you direct the tides, all you can do is release it, act it out, howl, vomit, pray, become a channel for it--

All at once you're no longer struggling, you're up and shining like a surfer, riding the energy, riding it in...

Moratorium Day, Nov. 15. No, the President will not listen. He has told us in advance that foreign policy can't be decided in the streets. So are we here like rebellious children, simply to defy him, futilely?

"Where's the sunshine? where's the sunshine?" the cast of Hair sings from the stage in the middle of the Polo Field. Gray skies, mist. People--100,000? 200,000? "Woodstock West," some speakers have been calling this gathering--are up and dancing. Suddenly all over the field hundreds of multi-colored plastic coffeecan lids are shooting into the air, coming down, shooting up again. On the stage the singers raise their arms to the skies...

One thing we know: we are not here to listen to these speeches. Everyone settles down on the ground for Ralph Abernathy. His slow, heavy

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Power to the people!

The Guardian called Glenn Baxter, retired head of the department of public utilities in Alameda, and told him San Francisco's proposed charter revision would abolish the Public Utilities Commission and downgrade the city's specific utility operation from charter to ordinance statutes.

"That is a mistake," Baxter said. "Public utilities should be in the charter so they can be run on a business-like basis."

Baxter ought to know. For many years he headed Alameda's municipally-owned electrical distribution system and recently chaired a committee that drafted, for the American Public Power Association, a model city charter

section for a department of public utilities. The APPA prepared the ordinance in response to many requests from groups and individuals involved in revising their city charters.

The point: San Francisco is the only city in the U.S. required by federal law to build a municipal power distribution system--a condition of the Raker Act allowing San Francisco to dam a federal valley for its water supply.

Yet, San Francisco has no municipal power distribution system, as The Guardian points out again and again, because the city has defied its charter, federal law and the U.S. Supreme Court in permitting PG&E to establish a

private power monopoly here and keep the city from supplying its own residents with its own electricity. Result: the city loses \$30 million a year.

Cities like Alameda, Palo Alto and Sacramento now have cheap public power. Other cities seek to secure the coming of public power through special charter provisions. But San Francisco's first charter revision group, in 38 years, sought to downgrade the historic charter mandates to "gradually acquire" and "ultimately own" its own public utilities, thus making it difficult, if not impossible, to enforce the city's public power commitments.

This must not happen again. San Francisco's next charter revision attempt must not only retain the present charter revisions, but also must propose two more crucial powers for the city's PUC: (1) the power of eminent domain and (2) the power to issue its own revenue bonds (as PG&E now can do). This would provide the basic legal machinery to begin charter and Raker Act enforcement on public power. (See table below.)

This charter machinery would help put city utilities on a "business-like" basis (as a starter: the city could sell its power to its own residents instead of searching Northern California for other public power cities it can legally sell to.) This would also help put the utility managers--James Carr, Oral Moore, the PUC -- on notice that they no longer can operate city utilities out of the vest pocket of PG&E.

Let's keep the Chamber of Commerce at bay and get on with charter revision--this time with cheap public power, a low tax rate, \$30 million a year in city revenues, enforcement of the law on the Raker Act and some other "sexy issues" at the forefront.

A tribute

This year Supervisor Jack Morrison was the lone holdout on the critical votes on San Francisco's two big Manhattanization projects--Transamerica and the Telegraph Hill blockbuster.

He was right, and time will show that Morrison, unlike his splashy contemporaries like Mayor Alioto, embodies the vision of the future for San Fran-

cisco on race, environment and peace issues.

He was also the board's only fulltime supervisor, in the best sense of the term, and for this was appreciated even by many of his conservative and business opponents. He was a rare supervisor with intelligence, integrity and guts. San Francisco will miss him.

Frankel defends charter

To the editor:

An article published in the Bay Guardian dealing with charter revision, criticizes the Charter Revision Committee for failing, in its first year recommendations, to require the city to "enforce the Raker Act" and thus to acquire the PG&E power distribution system.

We wish to correct two basic misapprehensions contained in the article. First, the Charter Revision Committee has not yet considered any questions of public utility policy, and did not selectively avoid dealing with the Raker Act question.

The Board of Supervisors' resolution which established the committee's schedule required that the first year's work be devoted to the organization and structure of city and county government.

As a consequence, the committee did not consider the policy contained in charter section 119 which requires that public utilities be gradually acquired and ultimately owned by the city and county.

That policy, along with other policies on such essential matters as sale of parklands, maintenance of cable cars, review of building design, and zoning controls, will be considered in the third year of our work.

Second, nothing in the committee's first year proposals prejudices, one way or the other, the issue of utility policy.

As part of the recommendations concerning organization and structure, the first year

revisions provide for the reorganization of the city's utilities. However, that reorganization has not "separated the water and power departments, making it difficult if not impossible to acquire the integrated hydro-electric system as required by the charter and the Raker Act", as the article states.

The reorganization merely separates the transportation function from the water and power functions. The water department and the Hetch Hetchy Project are joined in a new Environmental Resources Agency, with "primary responsibility for provision of water and power." Nor would the "critical power component, the Bureau of Light, Heat and Power" be separated. It is presently a bureau within the Hetch Hetchy Project and it would stay a bureau within the Hetch Hetchy Project.

In short, there is nothing in the first year charter revision recommendations that would inhibit in any way the ability of the city and county to acquire a public power system. Whether that should be the policy of the city and county is a question to be considered by the committee in its third year.

We hope that this letter will serve to assure you that the Committee intends to consider public utility policy fully in the third year, and that Proposition "E" as it is, not as you wish it could have been, deserves your unqualified support.

JAMES B. FRANKEL
Chairman, SF Charter Revision Committee

THE SAN FRANCISCO BAY GUARDIAN

"It is a newspaper's duty to print the news, and raise hell." (Wilbur F. Storey: Statement of the aims of the Chicago Times, 1861.)

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A comparison: Public power in the city charter

	Public Utilities Department under Model Charter of American Public Power Assn.	Public Utilities Commission under present SF Charter	Utility Proposals of Charter Revision Committee
Qualifications of Public Utilities Commissioners	1. Must profess belief in public ownership and management of public utilities. 2. May have no other city job. 3. May have no business relationship to Utilities Department, other than as consumers. 4. Commissioners ceasing to have any of these qualifications "shall be removed forthwith" by the Mayor.	1. No requirement to believe in public ownership; pro-PGE people can become commissioners. 2. Not prevented from holding other city jobs. 3. PGE executives (who contract with the city) could become commissioners. 4. Commissioners are difficult to remove.	No qualifications for PUC commissioners. No PUC. No Commissioners. Specific utility operations scattered and reduced to ordinance status. Utility staffs would work under politically appointed agency heads.
Divisions of Public Utilities Operations	1. Separate divisions, each with its own account, for gas, water, electricity and other operations, including transportation. 2. Each division operated independently "except insofar as Utilities Board determines joint operations to be advisable and economical."	1. Same 2. Same	1. Divisions scattered among other agencies and deleted from the charter. 2. Joint operations administratively more difficult. Example: the Committee's assignment of transportation system (much of it electrically powered) and electricity departments to different agencies.
Manager of Public Utilities	1. Appointed by public utilities commissioners and serves at their pleasure.	1. Same	1. No manager of public utilities.
Powers of Utilities Commissioners	1. May construct plants, transmission lines and other facilities. May authorize issuance of revenue bonds for acquisition, improvement and expansion of public utilities. 2. May exercise right of eminent domain on behalf of the city. May sue and be sued in its own name.	1. Prohibited from issuing revenue bonds in its own name. 2. PUC has no independent power to condemn property for expansion, etc. (But PG&E does have this power!)	1. No provision at all for acquisition of public utilities, except vague possibility of retaining a general policy statement of public ownership of public utilities. 2. No independent powers for city utilities.

SF's 'Little groups of neighbors...'

- continued from page 1

has crept along at a pace unworthy of a lame behemoth.

Twenty-one new members have been selected by the men who recommend draft board members--Presiding Court Judges Alvin Weinberger(1967), Charles Peery (1968)and Edward F. O'Day (1969).

But they blew their chance at significant draft reform: their appointments left the boards about as unrepresentative and improperly constituted as they were in 1967.

1967 survey

Our 1967 investigation disclosed that all 10 San Francisco draft boards broke Selective Service regulations because none had even a majority of members living in the district they represented. Most members lived in well-to-do areas--22 in two draft districts alone (the Sunset and the Richmond) and not one in the huge Hunter's Point-Potrero Hill district or the Haight-Ashbury-Fillmore district.

Three-fourths of the members worked as business executives, attorneys, realtors or brokers. San Francisco's 35 per cent non-white population was grossly under-represented by three black, two Chinese and no Spanish-speaking members out of 40.

Since 1967, pressure for reform has come from the Human

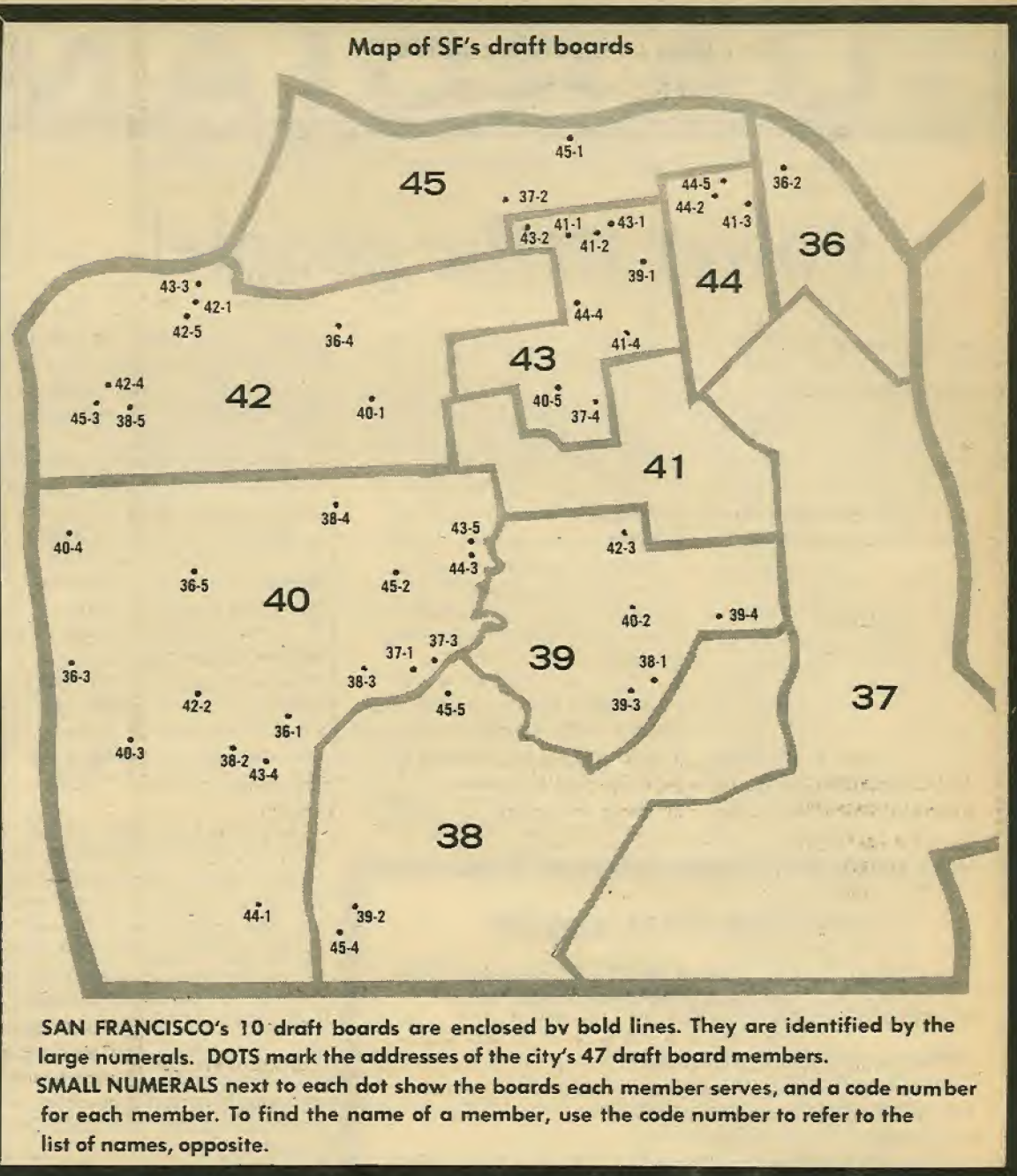
Rights Commission, newspaper publicity and recent lawsuits challenging the legality of inductions made by members who do not live in a draftee's district.

Yet in 1969, the Guardian found that only one of 10 boards has a majority of members living in the board's district. Large stretches of lower class areas remain virtually unrepresented. Minority representation has risen to 14 out of 47, but almost no new minority members live in the districts they serve. The boards still are dominated by men of comparatively elite occupations and addresses.

The Selective Service regulation requiring members to live in the areas they serve is not just a legalism; Gen. Hershey's original concept of "little groups of neighbors" is the core of the draft board system. As Hershey testified in Congressional hearings in 1940, the board members' knowledge of their own community supposedly substitutes for other procedural safeguards, such as the right to a lawyer during the pre-induction process.

Neighbors

Who suffers when the residence regulation is ignored? The Guardian's new check of board membership shows that in San Francisco, geographic unrepresentativeness falls most heavily on minority and lower class communities. (See table and map.)



Instead of "friends and neighbors," well-to-do businessmen from far-away sections of the city often make life-and-death deferment decisions for young men from these communities.

The three districts with no residents on their boards are largely lower class, poor minority districts: 37 (Hunter's Point and Potrero Hill), 38 (Outer Mission) and 41 (Haight Ashbury

and part of Fillmore). On the other hand, the only district with a majority of residents on the board is 42, the middle class Richmond district. - continued on page 7

A viable alternative to Reagan-Alioto-Unruh

WE INVITE YOU

Yes, we invite you to join us with your interest, your enthusiasm, and your financial support. Your check, for example, for your November gas and electricity refund will finance our message to like-minded citizens throughout the state.

That's Not All!

Bennett was instrumental in blocking the building of a nuclear power plant at beautiful Bodega Bay. He has led the battle for other effective conservation measures in California.

Bennett fought the gas monopoly, the electric power companies and the telephone company, resulting in hundreds of millions of dollars of savings for consumers in the form of refunds and rate cuts.

Bennett insisted upon fair employment practice policies by California gas, electric, telephone and transportation facilities.

Bennett endorsed the Delano grape strikers.

Bennett fought against the infamous Proposition 13, the discrimination in housing referendum which was invalidated by the courts.

There must be in this great and populous State of California **SOMEONE** who cares enough about the little person-white-brown-black, someone who likes people better than corporations. One man-now a private citizen-has proven conclusively by his performance a capability and a desire to act-and win-for his fellow citizens. He is not now a candidate, but we want him to be.

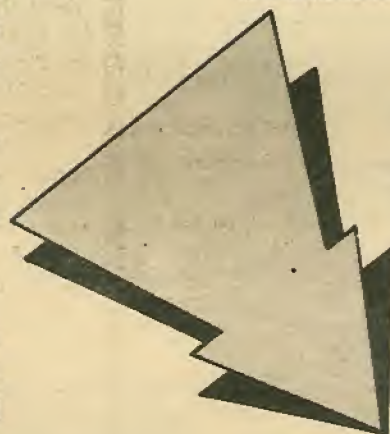
Powerful special interest groups do not exist to finance a man like William M. Bennett for Governor. Informed citizens acting as individuals can do little. Acting in unison they can accomplish wonders.

The William M. Bennett for Governor Committee is the instrument for this grassroots campaign to avoid one or another bad actor in Sacramento. The committee has sprung spontaneously from meetings of interested individuals around the San Francisco Bay Area. We have been encouraged by grassroots rustlings in other parts of the state.

At a time when apathy and antipathy characterize the public reaction to the de facto candidates for governor, we feel that William M. Bennett is the logical man to stir public enthusiasm.

Why Bill Bennett Deserves Your Support!

Bennett's recent spectacular victory over the El Paso Natural Gas Co. before the United States Supreme Court saved the taxpayers of western United States untold millions of dollars. Permanent gas monopoly was averted by one man's fifteen year successful struggle. The battle was joined even before Bennett became president of the California Public Utilities Commission. He continued the fight as a private citizen until his victory for the people on June 17, 1969.



Bennett for Governor Committee
P.O. Box 4386, Hayward, Calif., 94544

Contribution enclosed. ☐

I cannot contribute, but will help campaign. ☐

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City _____

A paid political advertisement

Members of San Francisco's 10 draft boards

Name	(Map code number)	Occupation	Home address	(District of Residence)
Draft board 36 (Chinatown, Telegraph Hill)				
DANIEL J. COLLINS (36-1)		Stockbroker, Holt & Collins Co.	2606-19th Ave.	(40)
JOHN F. WONG (36-2)		Dentist, 890 Jackson St.	454 Greenwich St.	(36)
LYNN S. PANG (36-3)		Realtor, self-employed	2372-46th Ave.	(40)
* SERGIO J. SCARPA (36-4)		Salesman, McKesson Liquor Co.	237-14th Ave.	(42)
* GEORGE Y. CHINN (36-5)		Attorney, Gintjee, Chinn, & Wong; recent candi- date for Supervisor	1754-31st Ave.	(40)
Draft board 37 (Hunter's Point, Potrero Hill)				
RAYMOND C. LEWSADER (37-1)		Manager, Lachman Brothers Furniture Store	61 Rockaway Ave.	(40)
* ARTHUR B. CARFAGNI, JR. (37-2)		Psychiatrist, San Francisco General Hospital Attorney, Leonoudakis, Kleines, Foran & McCarthy; Director, Golden Gate Bridge Highway & Transpor- tation District	2828 Greenwich St.	(45)
STEPHEN C. LEONOUKAKIS (37-3)			145 Ulloa St.	(40)
* SAM H. WASHINGTON (37-4)		Insurance broker, Holtemann, Ord & Smith (Black)	538 Steiner St. #2	(43)
Draft board 38 (Bernal Heights, Outer Mission)				
Assistant to the president, Asiatic Forwarders.				
JOSEPH C. BONZANI (38-1)		Inc.; retired vice president, Bank of America	1688 Dolores St.	(40)
ROLAND J. HENNING (38-2)		Deputy city attorney, San Francisco	1145 Sloat Blvd.	(40)
DONALD M. HAET (38-3)		Attorney, Wong, Haet, & Nervo	450 Magellan Ave.	(40)
JOHN D. DOCKRELL (38-4)		Landlord; retired salesman	1395-12th Ave.	(40)
HARRY L. COX (38-5)		Realtor, Pacific Allied Realty (Black)	6138 Fulton St.	(42)
Draft board 39 (Inner Mission)				
Moskovitz Investment Co.; President, Golden Gate Bridge Highway & Transportation District				
WILLIAM MOSKOVITZ (39-1)		Job agent, State Department of Human Resources	1901 California St. #3	(43)
* JOHN H. LANE (39-2)		Development (Black)	92 Ashton Ave.	(38)
* ROBERT AMABLE (39-3)		Spanish-English interpreter, San Francisco Su- perior Court	353-30th St.	(39)
(Spanish-speaking)		Senior special investigator, State Department of		
* JOSEPH L. WEBER (39-4)		Professional & Vocational Standards	1164 Shotwell St.	(39)
Draft board 40 (Sunset)				
HECTOR T. MACDONALD (40-1)		Deputy Sheriff, San Francisco	750 Cabrillo St.	(42)
ALFRED DEL CARLO (40-2)		Assistant district attorney, San Francisco	101 Jersey St. #1	(39)
* MARY K. KORBER (40-3)		Housewife	2622 Yorba St.	(40)
* ROBERT EISENBERG (40-4)		Real estate broker, self-employed	1496-45th Ave.	(40)
* CHARLES E. STEWART (40-5)		Finance (Black)	659 Scott St. #5	(43)
Draft board 41 (Haight-Ashbury, Fillmore)				
Attorney, Steinhart, Goldberg, Feigenbaum & Ladar				
MARVIN D. MORGENSTEIN (41-1)			2652 Pierce St.	(43)
JOSEPH P. MANETT (41-2)		President, J. P. Manett Co., Frozen Food Shipping	3633A Webster St.	(43)
* ACHILLE H. MUSCHI (41-3)		Editor, The Swiss Journal; teacher	718 Green St.	(44)
* RANDOLPH W. OSBORNE (41-4)		B. Osborne Funeral Directors (Black)	1220 Ellis St.	(43)
Draft board 42 (Richmond)				
HAROLD FREEMAN (42-1)		Advisor to Georgia Pacific Lumber Co.	50 McLaren Ave.	(42)
REGIS SWETMANN (42-2)		Assistant district attorney, San Francisco Financial secretary, International Association of	2920 Ulloa St.	(40)
JOSEPH M. HANNAN (42-3)		Machinists and Auto Workers, Local 732	68A Hancock St. #14	(39)
* ALEX S. FADEFF (42-4)		Architect, Disaster Corps, City of San Francisco	658-41st Ave.	(42)
* GEORGE HOFFMAN (42-5)		Attorney, Self-employed	2825 Lake St.	(42)
Draft board 43 (Fillmore, Pacific Heights)				
HENRY M. BUCKLEY (43-1)		President, Robert F. Smith Co., roofing Retired Supervisor of Rincon Finance Station, U.S.	2030 Vallejo St. #903	(43)
FRANZY L. RITCHARDSON (43-2)		Post Office (Black)	2730 Green St.	(43)
BEN K. LERER (43-3)		Attorney, Lerer, Moltzen, & McAteer; Director, Charter Bank of London; Past President, San Fran- cisco Bar Association	520 El Camino Dr.	(42)
JACK W. LEISHMAN (43-4)		Owner, Mission Realty Co.	15 Melba Ave.	(40)
* OSCAR JACKSON (43-5)		Physician, 1352 Haight St. (Black)	226 Twin Peaks Blvd.	(40)
Draft board 44 (Russian Hill)				
* RAYMOND ALLENDER (44-1)		Salesman, Contract Furniture Co. Owner, John P. Figone Insurance Agency; John P.	538 Arballo Dr.	(40)
JOHN P. FIGONE, JR. (44-2)		Figone Travel Service	1046 Union St.	(44)
* CLAUDE W. MITCHELL (44-3)		Ophthalmologist, 2300 California (Black)	36 Saint Germain	(40)
* CHARLES J. WELLINGTON (44-4)		Physician, Obstetrics and Gynecology (Black)	2299 Sutter St.	(43)
* LOUIS M. MUSCHI (44-5)		Editor, The Swiss Journal; Income Tax Consultant; (father of Achille Muschi)	2137 Jones St.	(44)
Draft board 45 (Marina)				
THOMAS A. DIMAGGIO (45-1)		Owner, DiMaggio's Restaurant Partner, Skinner Securities Co., President, owner	3789 Fillmore St. #4	(45)
ELMER F. SKINNER (45-2)		of Uni-Brake Attorney, Barbogelata, Broderick, Carmazzi &	40 Fairlawn Ave. (Daly City)	
RINALDO A. CARMAZZI (45-3)		Arnold	69 Devonshire Way	(40)
* LESTER B. MARSHALL (45-4)		President, Ocean View Medical Laboratory (Black)	837-43rd Ave.	(42)
* RICHARD G. RAFFETTO (45-5)		Insurance broker, Wm. G. Raffetto & Sons	333 Randolph St.	(38)

*appointed since 1967

Research by Julia Cheever and Dave Willsey

SF judges limp along on local draft reforms

- continued from page 6

In fact, still no member on any board comes from the huge district 37 or from 41. But 16 of the 47 members live in 40, the middle and upper-middle class Sunset area; seven live in 42, the Richmond area, and nine live in the non-ghetto sections of 43, a gerrymandered district containing both Pacific Heights and part of the Fillmore.

Even within districts, addresses of board members tend to cluster in wealthy areas; six of the eight members from Richmond live in the western third of that district; all three men from 44 live in the northern third of that district. (See map.)

The Guardian's research reveals the occupations of 1969 members are more varied than those of 1967 members, but most still are business executives, (often presidents of their own companies), attorneys, realtors, brokers.

The boards have more doctors now (four of the new appointees) and more civil servants (four other new appointees) but still no blue collar workers, no full-time teachers, no welfare workers, no artists or artisans.

The boards' non-white representation has improved considerably since 1967. The Chinatown board (36) now has three Chinese members and eight of the other nine boards have at least one black member (43 and 44 each have two).

San Francisco's 12 per cent Mexican-American population did not fare so well: only one Spanish-speaking board member, in district 39. (He works in the Presiding Judge's own court as a Spanish-English interpreter.)

But this Spanish-speaking appointee is the only new member who both represents a minority group and lives in the district he serves.

Minority members

The presiding judges apparently could not find appropriate minority nominees who lived in minority districts. Yet it is hard to believe:

That the judges could find no qualified black nominee in all the 43 per cent black population of the Potrero Hill-Hunter's Point district (37);

That they had to cross the city to the Sunset district to find a third Chinese member for board 36, George Chinn, an attorney with offices in Chinatown;

That they could find only one eligible Spanish-speaking nominee in the entire Mission area (38 and 39).

Jobs

A glance at the occupations of the new minority appointees indicates that professional or business status rated far higher in the selections than did district of residence.

Responsibility for board appointments lies squarely in the hands of the Presiding Superior Court Judges. (The office rotates annually among the 24 judges.) While unofficial, most of their recommendations are routinely accepted by the Governor for official nomination to the President. Gov. Reagan appointed directly only one of the 21 new board members.

The executive officer of the court, Bernard J. Ward, claimed he was forbidden to reveal which judge made which appointments, but he did say that Judge O'Day had recommended three of the new members, Judge Peery ten and Judge Weinberger seven.

New rulings

What about the long-standing regulation that members live in the districts they serve? Judge O'Day told the Guardian he has endeavored to comply with it, "since that decision came down." "That decision" refers to re-

cent rulings by Federal District Judges Peckham and Zirpoli that inductions from draft boards without a majority of residents could not be enforced.

(Earlier this year, O'Day recommended at least two board members who do not live in the districts they serve. More recently, the SF Examiner reports, he did suggest two prospective members, not yet approved by the Governor, who live in the proper districts.)

But it's too late for reform through judicial appointments. In the past two years, judges made an unusually large number of appointments, because the Selective Service ordered all boards enlarged to five members, from an average of four in 1967. From now on, vacancies will be infrequent.

If the judges had chosen properly the 21 recent appointees, plus three others for current vacancies, all boards but one could now have at least a majority of resident members. Instead, they appointed only seven who live in their boards' districts.

Shuffle-board

Ironically, five more draft districts (38, 39, 40, 43 and 44 -- mostly well-to-do) could have a majority of resident members tomorrow if members were simply shuffled to different boards. But Judge O'Day says he does not have the power to reassign members once the Governor has approved their nominations.

Col. Richard Davis, area Selective Service coordinator, says a reassignment of members "would have to come out of our National Headquarters."

Appeal

But local Selective Service officials are even less amenable to draft board reform than the Presiding Judges. They insist that the residence regulation does not have the force of law. Col. Davis told the Guardian the boards are "legal as far as the Selective Service is concerned."

Only a successful appeal to the Ninth Circuit, or the U.S. Supreme Court, would force the Selective Service to abide by its own regulations and make the draft boards representative.

For if a higher court rules that the residence regulation is mandatory, then thousands of inductions from boards as currently constituted will be unenforceable.

Meanwhile, challenges to the residence regulation have caused chaos at the District level of Federal Courts. From nearby offices in San Francisco's Federal building, two judges (Peckham and Zirpoli) have ruled that boards with non-resident members are illegal, while two other judges (Sweigert and Harris) have ruled that they are not.

But even before the Sweigert and Harris decisions, Col. Davis reiterated the hardline policy, "We are not particularly interested in the decisions until they have been proven or approved by the Supreme Court."

Roulette

Phil Ziegler, the lawyer who is appealing Judge Sweigert's conviction of Jack Nussbaum, says the Ninth Circuit Court of Appeals has already agreed to hear the case. But he says two to eight months may elapse before the decision comes down.

Three of the 10 Ninth Circuit Judges--assigned at random--will hear the case, and the outcome will depend partly on whether they happen to be liberal or conservative.

Meanwhile, judges from all over the country have been calling the District Court judges for advice on legal precedents to decide a deluge of cases challenging local draft boards.

THE END

To renew the city means to remove the people...

- continued from page 1

visors authorized an additional 5,500 units of public housing, but the Public Housing Administration claims it cannot find sites on which to build.

Displaced persons

In the project area, 92 residential structures and more than 3,000 hotel rooms in 43 residential hotels will be demolished. These house 3,165 single persons and 253 families. Many are poor and elderly; 62 per cent of the families belong to minority groups.

(An Agency survey of the project area residents showed that 53 per cent of the single persons have an average monthly income of \$200 or less, and 85 per cent make less than \$400 per month. Of the families, 22 per cent have monthly incomes of \$200 or less and 51 per cent make under \$400.)

All available public housing

has been absorbed by 4,000 single individuals displaced from Western Addition I (Japanese Cultural and Trade Center) and Western Addition II housing developments. So the Yerba Buena residents must move to private accommodations. Few will be able to move back to Yerba Buena once the project is completed because only 276 residential units (for single elderly people) are planned for the project area.

In a letter to the Mayor's Office of Aging on Sept. 2, 1969, the Redevelopment Agency boasted it "is highly sensitive to environmental factors in order to provide for suitable relocation of the elderly and non-elderly." However, the Agency's relocation program reflects an unrealistic and insensitive appraisal of San Francisco's housing situation.

Based on two studies by E.M. Schaffran & Co. in 1963 and 1967, the Redevelopment Agency has begun moving people to residential hotels in the Tenderloin district and Chinatown (the latter, the most densely populated spot in America, next to parts of Manhattan Island).

To substantiate its promise to relocate all project area residents in "decent, safe and sanitary housing within their means" as required by HUD, the Redevelopment Agency claimed "qualified City Inspectors have found over 150 hotels in suitable-relocation areas with standard rooms at prices which project area residents can afford."

The Agency refuses to release a full list of the 150 hotels, but has cited 20 which it considers "principal relocation resources." "On a given day in August, 1969,"

the letter said, "the selected hotels had a vacancy of 183 rooms or a percentage of 11.8."

On Oct. 29, the Human Rights Commission issued its own study of the Agency's relocation plan and found several inconsistencies. For example, using the average number of rooms per hotel found in the Schaffran Report (which was 53) and multiplying that by 150 hotels, the Commission figured a total of 7,950 rooms. Even if 11.8 per cent of those rooms were vacant—and assuming all hotels accept minority residents—this provides only 938 vacant hotel rooms for the 3,165 displaced persons.

No vacancy

The Commission surveyed the list of 20 hotels on Sept. 23 and checked the Agency figures:

"Of the 12 hotels on the list with permits of occupancy for which we had telephone numbers, only two had any vacancies on the days we called." Among the 877 single rooms in the 12 hotels, two hotels had one vacant room each. This is a vacancy rate approaching zero.

What accounts for the discrepancies in the reports? Evidently, the Commission and Agency simply used different figures. For example, the Commission found one hotel with a temporary permit of occupancy for 30 rooms. The Department of Public Works lists 99 rooms and the hotel itself lists 95. Yet the Redevelopment Agency reported 173 rooms and 77 vacancies.

The Commission reported that the Public Works Department records 1,282 single rooms in 18 of the 20 hotels. (One hotel has only apartments and is therefore not comparable.) However, 227 of these rooms

are in hotels with recorded code violations, thus unacceptable by HUD for relocation. Subtracting these leaves 1,055 rooms.

Even if 11.8 per cent of these 1,055 rooms were vacant, the hotels would have only 124 vacancies.

In addition, the Agency uses a "turnover factor" to figure available housing:

the agency calls each hotel on the list between one and two o'clock—regular hotel checkout hours—and asks for the number of vacancies;



Inside a South-of-Market residential hotel.

Photo by Tony Rogers

it then totals the vacancies for all hotels;

then, it assumes the rooms will "turnover" or be vacated some arbitrary number of times a year—usually four.

Thus, the agency would multiply the 183 vacancies it reported by four, then multiply that by three (since relocation continues for three years) and arrive at a total of 2,196 vacancies.

If the actual vacancy rate approaches zero as in San Francisco, "turnover" becomes a game of musical chairs with one chair for each player. If all the players move, there is a 100 per cent turnover, but zero vacancy. If some chairs are demolished while the players move, some players will have to double up or be left standing.

Even HUD no longer accepts the credibility of "turnover" factors. In Regional Circular 907, HUD said: Turnover "has very limited applicability, if

any, in ascertaining relocation housing resources...it is only the excess units—or vacancies—which can be considered as supplying relocation housing resources."

Fair housing

"Turnover" ignores internal movements within the city—and discrimination against minority groups. The Schaffran 1963 report dismissed the problem of racial discrimination, stating the Rumford Fair Housing Bill would open formerly discriminatory housing to all.

"Turnover" also discounts new people moving to San Francisco and assumes the Agency can "capture" vacancies before others get to them.

HUD requires that in a city

- continued on page 9

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... in San Francisco's Yerba Buena project



In front of one of the Redevelopment Agency's "principal relocation resource" hotels, The El Dorado, 150 9th St.

Photo by Tony Rogers

Guardian's Press Club Award

Blair Paltridge, layout editor of the San Francisco Bay Guardian, has won the first place cash award of \$250 in "Pulitzer West," the San Francisco Press Club's 18th annual Professional Newspaper awards competition.

Judges unanimously found Paltridge's Dec. 24, 1968 Guardian story the "best news story in a non-daily newspaper in the Bay Area." The story, titled "The Exposers Exposed!", analyzed the composition of 18 San Francisco grand juries from 1950 to 1968 and found that they "are grossly discriminatory and unrepresentative--economically, socially, ethnically, geographically and occupationally."

This story is believed to be the first comprehensive analysis of grand juries here and, with the exception of a similar investigation of local draft boards, has stirred the most reaction of any Guardian investigative story.

The Guardian is the only non-daily ever to win "Pulitzers" three years in succession in the

history of the competition and, last year, the only non-daily ever to win more than one award in one competition. City Editor Creighton H. Churchill last year won second place with his story on the economics of hip art and Jack Lind, a contributor, won third place for his story on the scramble for war bodies among Bay Area undertakers.

In 1967, Publisher Bruce B. Brugmann won a second place for his story, "Rockefeller's City-in-the-bay may be sinking," of how the Rockefeller/Crocker/Ideal Cement interests sought quietly to secure clear title to thousands of acres of the South Bay for development.

Paltridge was one of seven Bay Area reporters, editors and cameramen who won awards totaling \$1,750 in Gang Dinner ceremonies Friday night (Sept. 26, 1969) at the Press Club. The competition, with 160 entries, was open to staff members of newspapers in nine Bay Area counties.

- continued from page 8

with less than three per cent vacancy, as in San Francisco, housing demolished by redevelopment must be replaced in the projects on a one-to-one basis.

Ignoring this, the SF Redevelopment Agency plans to house only 276 people in Yerba Buena while displacing more than 4,000.

Many urban renewal projects across the country, including Yerba Buena, assume that once torn down, slums disappear. This is seldom true. "Renewal" only shifts the slum to adjacent or other poor neighborhoods. The shortage of low-rent housing caused by the demolition encourages landlords to split up dwellings and raise rents, charging what the traffic will bear.

Higher rent

A SF Redevelopment Agency survey of the first 200 families and individuals relocated out of Yerba Buena Center revealed that 80 per cent paid higher rents and only 10 per cent lower, with 10 per cent unchanged.

Razing a slum and replacing it with a luxury hotel for tourists, office buildings, theaters, sports stadiums and parking lots, while jamming thousands of poor people into already crowded housing, breeds resentment of a type which no modern city can now afford.

The project has important public consequences, yet only three public hearings have been held on Yerba Buena Center: one before the Redevelopment Agency, two before the Board of Supervisors.

Although the Agency has evaded detailing its plans publicly, it's easy to discern their direction--towards less housing and more commercial, entertainment and parking facilities.

For example, at the Redevelopment Agency's hearing on Aug. 24, 1965 (of which a record was made), Executive Director Justin Hermann said: "I think it is a foregone conclusion about theaters. There will be no theaters planned for this particular

plaza." Yet, four years later in the developers' brochure for Yerba Buena, a 2,100 seat theater suddenly appears.

A luxury hotel

Similarly, HUD has never approved including a hotel in the project. In 1965, the Redevelopment Agency planned four hotels. HUD wrote Hermann and told him it could not permit new hotels without a special feasibility report. Hermann replied that all hotels would be deleted from the plan.

The feasibility report was never prepared. It would have had to justify demolishing 3,000 rooms in 43 hotels to build the one 800-1,000 room luxury hotel which appeared in the plans four years later as the focal point of Yerba Buena's convention center.

The Agency has ignored other federal requirements. In its application to HUD for a \$50 million loan and grant, the Agency admittedly violated the Federal Housing Act (Sect. R 215) by not consulting minority group organizations.

Since civil rights leaders had staunchly opposed the relocation plans for Western Addition II, the Agency said it would be "inappropriate to submit the Relocation Program for Yerba Buena Center for consideration by these groups presently."

So the Redevelopment Agency pushes a plan the community has had little chance to review or help develop. It has never submitted to the Board of Supervisors, who supposedly must approve the final project, a plan with a hotel or a theater. Nor have the Supervisors ever agreed to demolish all existing residential structures.

Superblock

What effect will this complex have on the city?

In comparison to the lively districts like North Beach, Chinatown--or even the Mission--which have made San Francisco famous, it is obvious Yerba Buena will have the effect of a Manhattan superblock.

The Center will not relate to the city around it and could just

as well be built on Alcatraz Island. It is too self-enclosed a unit. The much touted Grand Esplanade of shops, one restaurant and cultural and trade center will be buried in the interior of the Center, beneath the parking decks. All that will face on the surrounding neighborhood is the towering monolith of office buildings, crowded by day and deserted by night, as office workers scurry off to the suburbs. The Center will depend primarily on a massive, daytime influx of out-of-town people. Look at similar huge developments in San Francisco, such as the Civic Center, Japanese Cultural and Trade Center or the Parkmerced Apartments and one can easily see that such projects are uniform and lifeless.

A people place

Compare a neighborhood like North Beach, with its boutiques and coffee houses, bookstores, supermarkets, laundries, bars. People live there and use it 24 hours a day.

None of this will be possible in Yerba Buena. It will have little indigenous population. And all existing structures in the area will be leveled, the good with the bad. In their place, uniform, new buildings will be erected.

In other metropolitan centers, these grand sweeping designs to level acre upon acre of inner-city property and raise mausoleums of naked concrete have nearly come to a halt. They have only exacerbated the urban problems they were designed to solve.

The Redevelopment Agency is missing an opportunity to develop an integrated community to meet the diverse needs of San Francisco or, perhaps, to plan carefully the expansion of the financial area across Market Street.

Yerba Buena is designed for people who do not live in San Francisco. It won't belong to the city; it will remain aloof, luxurious but dead, attractive but sterile, recreating the hollowness and helplessness of an airport terminal.

THE END



A model of the Central Blocks area.



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...the conspiracy of machine

- continued from page 1

are really here, however. For weeks I've been hearing rumors of big demonstrations by students and people in the movement against these businessmen, and there's something drawing me to cover this conference and I don't know what it is. Part of it is the feeling that we're drawing closer and closer to the ENEMY. You'd think we were casting for a movie. You remember bull conners with his dogs. Thanks very much, bull, thank you for coming but you're only a tool... next! Clark kerr. Clark kerr isn't evil enough. Thanks a lot for coming, clark. Bob macnamara, no, macgeorge bundy? Impossible name. No. Then where is the enemy? I need one, for there's something wrong with the feel of politics these days, the vibes are wrong and the energy low, and I'm feeling the focus of my attention turn inward to a smaller world--a girl, friends, work, practicing breathing from the deep part of my body, feeling my body tingling again, reminding me it's there.

And walk up california street in the sun toward the fairmont on mon-

day, a little euphoric, a little guilty about it, watching the demonstrators march up the sidewalks under strict control of the police, after a long trek from washington square park where the march began. An office girl looks admiringly at a mexican student, dashing in a bush hat and black beard, she says something to her friend, probably something lascivious, and both girls giggle, but most of the people in the financial district look like they think this is only another of a series of capers put on by crazies--wasn't there a demonstration against english muffins or something this spring?--and they don't take us seriously. How can they? Everything, even politics, is a spiritual process to us. We look people in the eyes, trying to make contact with souls, and straight people can't relate to it.

But don't say the delegates aren't interested. A dozen or more of them are standing in the courtyard of the mark hopkins hotel across the street, watching the police herd the students from corner to corner and along the sidewalks. Two swiss industrialists are talking in a jetstream of french in which I suddenly catch the words 'stark naked'; there is apparently no longer an equivalent for this phrase in french.

There is the president of the new york chemical bank, a tall, unfriendly looking man. 'Why are you out here?' I ask him. 'To see what makes people like you tick,' he answers in a brutal tone. A bearded student, his arms around his girl, draws to her, 'why don't you grab his tush, baby, see if he's a real man?' The banker glares at the student. 'You touch me and I'll give you...' The girl says softly, 'would you hit me too?'

On the other hand, who can resist talking to an actual industrialist? There's everything--the tight, disapproving mouth, the expensive looking suit, the seamed face--and soon the

delegates are surrounded by students who want to argue. Are you concerned in europe about the pollution problem? is the question to the two swiss. 'Very much so,' one of them says patronizingly, 'for example, we're stocking the lakes fed by water from industrial plants with trout, and we have remote television cameras watching the lakes all the time, so that when the trout die, perhaps of oxygen starvation, we immediately check the water from the factories!'

System and profit

Another student is talking to two men representing raisin growers of southern california. 'Are you aware that DDT is polluting the whole world? They've found traces of it in fish in antarctica.'

'What's your alternative?' the delegate demands. 'How do you control insects, disease?' He laughs as if only a madman would suggest banning hard insecticides. Then he continues, 'and who's your authority about the dangers of DDT?' The student mentions a scientist who teaches at stanford. 'Yes, we know him,' answers the delegate, 'and we know a dozen other men who say he doesn't know what he's talking about.' And he names a few of them. His attitude is very assured, he doesn't act as if he's on the defensive at all. He goes on, 'do you have any idea how restricted the commercial use of DDT is? Go to the state entomologists and read the regulations about it. That's the state.'

'But you control them,' the student bursts out, 'they'll say anything you want them to!' Oh well, the businessmen shrugging their shoulders seem to say, now he's accusing us of conspiracy, and they visibly lose interest in the conversation.

So the students know why the businessmen are here--and they can identify the characteristics of the new world: system and profit. Eustaquio escandon, president of a mexican pharmaceuticals firm, gets up in a panel on the climate of investment in foreign countries and says emotionally that free enterprise capitalism has a long history of plundering poor countries all over the world. He doesn't quite dare say 'america' so he uses code, but everybody knows exactly who he means, and the room is suddenly ablaze with anti-american remarks and sentiment--two pakistani

bankers sitting beside me are nodding at each other and furiously making notes.

Imperialism

A. romeo horton of the bank of liberia, vague, middle-aged, safe, is called on by the leader of the panel to defend the american system. He tells a pointless joke that puzzles us. Several men get up and leave. Then he joins ungratefully in the anti-american chorus, saying the under-developed countries aren't going to submit to economic domination in exchange for political domination. This is exactly the point of the whole conference. He stops talking and there is dead silence from the americans in the room, though the mexicans are murmuring and the pakistani are still nodding.

It takes 15 to 20 years to make a skilled worker out of a filipino, says an investment corporation executive from that country, and when you think of the importance of a highly trained work force you have to wonder what the poor countries will do in the future. Where will this industrial work force come from? His solution is to have the schools intensify their efforts to instill a work ethic in the youth--'conditioned to work' is his exact phrase--and to get them into the labor market earlier.

He goes on to happier subjects as he talks about management training. The country is establishing a graduate school for managers with faculty drawn from all of asia, full of 'prestigious professors', very high-class, and a curriculum patterned after harvard or wharton school of business. His voice is animated and creamy as he talks about management training procedures, but he mispronounces 'wharton.'

It is frightening to realize that the management of ideas, along with the allocation of resources, will almost certainly be a critical task of business in the 70's. Jacques maisonrouge, the french president of IBM international, tells us this in a voice that's a curious mixture of business and computer jargon and a tiny, delicious accent. He's typical of executives of the 'multinational' company--a company with manufacturing branches in many countries, a company with a 'global outlook. Most such companies are well aware of the desirability of having native born managers, and he himself is a symbol--and he stresses the word--of that policy.

Personnel problems

Another industrialist, an italian, describes recruiting problems in a facility of his company in vera cruz, mexico. His company used only a dozen 'seed' personnel from the home office to start the plant and most of them have already returned to italy. The other executives were young mexicans--because older men can't adapt to change well or quickly--and of course only the well-off mexican youngster would have the necessary technical background in the first place, so in a sense his company was certainly a status quo institution no matter what, but nevertheless they tried to get men who showed some concern for the well-being of the country, and they were careful to get men who relate well as a group.

And since the problems of interna-



es and uncontrollable energy

tional business are so complex--just think of the money situation of the world, to take one example--and therefore inter-related, it requires little imagination to visualize in the future a class of international managers whose actions won't be dictated by any other conspiracy than that of machines and uncontrollable energy.

Three years ago in belgium, all the young men were trying to get jobs with glamorous IBM, but now recruiting has become much harder for that company and many europeans are very frightened of american system, says rocca, the italian industrialist, for they understand that you can't take just a little technology and hope to survive in today's world. He has beautifully cared-for skin, he chain-smokes as we sit talking in blum's coffee shop. He thinks europe will probably be socialist in ten years--an opinion shared by several of the top businessmen in europe--but he thinks that technology has a power much more frightening than the conscious intentions of businessmen. They're riding the tiger just like everybody else.

His 16 year-old son is a confirmed maoist who reads rosa luxembourg, thinks herbert marcuse is a liberal cop-out and wanders around europe all summer, like hundreds of thousands of other students, hitch-hiking romantically to romania in the rain. This boy acts unconsciously as if he were in a godard movie--perhaps 'la chinoise,' in which the world is a place of bright colors, sharp edges and clearly defined reality.

Fantasia of revolt

This simplification of the world destroys the effectiveness of student movements, rocca says, the students wander around europe in a fantasia of worker's revolutions, sexual revolutions, cultural revolutions, but when they get married they begin to think different. Or they find that there are power-hungry students, just as there are power-hungry businessmen. Then the students begin to think different.

Or they look around to discover that in fact no system works--neither the russian one, where the intourist guides may confide to you (if they think they can trust you) that the russian people feel like prisoners, nor the jugoslavian one, where the government is desperate to get german plant managers who know how to run a factory, nor the chinese one, nor the cuban one, nor even the swedish one, which is too small to matter and which has frigid women... All in all, the students are glad enough to return eventually to their physics courses in the universities...

Everyone stands aside to watch--the students of europe, the workers, men like rocca (who sees no hope in the world), the american students, no matter how much they gyrate, even some american businessmen, like william vaughn, chief officer of eastman kodak. His company has sales in the billions every year but he can't stop the vietnam war. He may not be able to stop it, but he can certainly talk about it--he talks about virtually nothing else in a 2-hour interview I have with him. He's intense, he plays continually with his cigar, he knocks his name plate to the floor and finally I get him to talk about the subject of the conference.

He has no quarrel with the complaint of the students that the business world and the whole free enterprise system must undergo 'radical transformations.' The trouble is, he goes on intensely, nervously, that the students don't realize how hard the job is. He has no respect for the students anyway, he says, they talked to him the day before in language he never expected to be used against him, and what insights have they contributed? Vietnam, the plight of black people and the nature of the universities, I give him for starters. He grunts and goes on.

A poor boy

I must remember, he reminds me, that the men at this conference are not owners, but managers of firms. He's typical. A poor boy. Worked his way through school. Never had anything unless he worked for it. He apologizes for talking like horatio alger.

All right, instead of consumer goods being produced in a free market of competition, suppose you have a planning department that says, we need a hydro-electric plant more than we need shoes, so we'll do the plant. It is naive to think that this method works better than any other method. You have the same bureaucracy, and men are going to treat each other just the same. Is it better anywhere else? Where?

And then the students come in. They don't say try to make it work, they say abolish the whole system! What? when we have nothing to replace it? He knows many men, he says, who simply do not understand what the students are hollering about. Business isn't all good, of course, but many of the men feel themselves to be genuinely interested in progress for all people. They create jobs where there were none before.

Who benefits?

His very company has a facility in south africa, and he is always getting letters from church groups admonishing him for doing business with south africa. In the first place, there are a hundred black people there with jobs, who wouldn't have them otherwise--and in the second place, what will he tell his stockholders if he refuses on moral grounds to do business with south africa? Whom will they not be boycotting, if every church group

decides to protest something or other?

There is an enormous difference between the developed countries and the underdeveloped ones. And everybody has this almost unconscious dream that there is going to be a meeting someday where everything will finally be worked out for the benefit of all and we will move together into the future. Well, he says, there isn't going to be any such meeting. He falls silent.

I'm thinking of the political situation all over the world, of capital financing problems, of the ignorance and illiteracy of the developing nations, of the demands of the american mechanism, of the weakness, the greediness and the fallibility of men, and I'm silent too. I came into this interview with the intention of finding the enemy and recording his words, but he isn't an ENEMY, he's a man standing and watching like most everybody else.

And what about those who are riding the tiger? That evening, in the fairmont lobby, the delegates to the conference are in evening jackets. They and their wives stroll across the black-and-red carpet. The pastel gowns of the women sparkle with bright stones. Outside, about 200 students parade on the sidewalk across the street, and the san francisco police are deployed on the pacific union club wall, shoving students off with their nightsticks, like scraping a railing clear of birdshit, and ho, ho, ho chi minh, n-l-f is going to win is crackling in the san francisco evening, but softly crackling because the evening is so soft, the green trees, the lights and the mist.

Cop and capitalists

'Smoke your cigarettes, pigs, you don't have much longer. You think

people are stupid--they're not!' the students are yelling. A policeman turns to a delegate. 'We don't think it, we know it,' he chuckles. A chinese policeman looks curiously at me. I don't think I've even ever seen a chinese policeman before.

The california street cable car clangs romantically, cruising at 12 miles an hour over the crest of nob hill. Delegates walk by, talking in foreign languages. I see signs saying 'I found real peace in jesus' and another delegate walks past, looking at me with a secret, knowing smile on his face.

'They get rich, poor folks die,' the students chant. 'Everything all right?' a businessman asks a cop. 'Everything fine,' the cop answers. An american delegate comes up and slaps the cop on the shoulder. 'Thank you,' he says, and the cop answers 'just a demonstration.' I look across the street at the students and think how young they look and how beautiful, but on this side of the street the taxis keep rolling up, discharging rich people.

THE END



Sketch by Marion Dibble

An appeal from the publisher

THE SAN FRANCISCO BAY GUARDIAN

Dear Friends of the Guardian,

Four years ago, the Guardian founders asked these questions in their editorial prospectus: "Is it possible today to start a good newspaper, free of the cliches of contemporary journalism, full of facts, ideas and ideas about facts, that challenge the readers' intelligence and imagination? Is it possible, as every newsman worth his salt has dreamed of, to start another paper like the Manchester Guardian? Are there readers and advertisers enough to support such a publication? Can it be done in the San Francisco Bay area?"

The answers have been coming in during the 3 1/2 years we've been publishing the Guardian. We think we've almost proven our case. We've successfully completed the first stage of our development and established the Guardian in San Francisco as a strong independent newspaper.

Despite the crushing problems of starting a publication in a major city with Superchron's media monopoly, the Guardian has built from scratch a newspaper that has attracted readership, advertising, public respect and professional recognition. We've built our reputation on:

(1) Incisive, carefully researched investigations into major Bay Area institutions--BART, Candlestick Park, the PUC, Juvenile Hall, PG&E, draft boards, grand juries, the agri-business/water/utility complex, Whitaker and Baxter and the grape growers, even the Dave Brower establishment at the Sierra Club and the Warren Hinckle/Bob Scheer establishment at Ramparts. Our grand jury probe just won first place for investigative reporting in the San Francisco Press Club's "Pulitzer of the West" Newspaper awards competition--our third straight Press Club award for investigative reporting.

(2) Articulating major political and cultural trends. We were the first Bay Area paper to back Pete McCloskey, then a little known Peninsula attorney, in the Shirley Temple congressional race. We were the first California newspaper to back Sen. McCarthy for president. We're the only publication around crusading loudly against the powerful forces moving to "Transamerica" the skyline and to "Manhattanize" the city of San Francisco. We've consistently and responsibly criticized the Vietnam war since our first issue. We were doing conservation/ecology stories long before they became fashionable.

(3) Making news and getting results by printing stories nobody else will print: SP's hocus pocus with its train schedules to destroy its rail passenger service, Superchron's use of private dicks in its FCC hearings on KRON. We fight battles nobody else will fight, challenging Superchron on its home turf, battling PG&E over its \$30 million a year "power" grab from San Francisco.

(4) Injecting stories and ideas into the political and intellectual bloodstream of the San Francisco/Berkeley/Stanford area. Many Guardian stories, like our grand jury, Superchron and draft investigations, have become national stories. Example: two years ago, we did the first detailed expose in the U.S. on the gross inequities and discrimination of local draft boards. This research provided the basis for two precedent-setting decisions by two local federal court judges challenging the legality of many draft boards.

This kind of publishing, done with nerve and verve and humor, has prompted Joseph Lyford of Cal's Graduate School of Journalism to call us "The best newspaper of its kind in the country." It has prompted press critic Ben Bagdikian to write, "Your paper is a breath of fresh air and the most lively and careful criticism of the media I've seen anywhere. If there was something like it in every city, we'd have a better and more responsive commercial press, and a better and more responsive civic government. I wish you had 100 identical siblings with a compulsion to lose money doing good."

We have, as Bagdikian suggests, lost money doing good. We've had to fight soaring costs without being able to raise our ad and circulation rates. We've had enormous difficulty competing for advertising against Superchron: the Examiner/Chronicle joint agency monopoly, through their combined circulation and their ability to fix advertising rates illegally, gobble up most of the city's available newspaper ad revenues.

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And, we pledge, more humor and satire. As H.L. Mencken said, "One horselaugh is worth ten thousand syllogisms. It is not only more effective; it is also vastly more intelligent."

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Bruce B. Brugmann

Bruce B. Brugmann
Publisher

B3B:jd



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Tenants Union

The landlords, the cops and the people

By Brian Wiersema

The Berkeley Tenants Union states its position clearly and unequivocally on the walls of its Grove Street office. Banners proclaim "No More Shit From the Landlords" and "Rent is Theft." Of their several demands, only one is non-negotiable: landlords recognize the BTU as the tenants' sole collective bargaining agent. That one demand keeps landlords and the Tenants Union worlds apart.

"We're not going to recognize them or anybody," Robert Snell, business manager of Alameda County's Apartment House Owners Association told the Guardian. "I don't know why we should. We don't know who they are or who they represent. We don't have answers to negotiations. There are those of us who believe in free enterprise and those who don't."

The BTU's primary target is the half dozen large realty management firms that domi-

nate the Berkeley rent picture: Values, Inc., Golden Gate Apartments, Larry Shepard Co., Coldwell-Banker Co., Cyril Stevenson Co. and Mason-McDuffie.

The Tenants Union has had some success in forcing individual landlords to negotiate. In November, 150 people marched on Kobos Investment Co. (managed by Golden Gate Apartments) and persuaded the company to rescind eviction notices to three families at 3046 Wheeler St. Through third party negotiations with owner Art Kob, the BTU convinced the management that residents didn't want proposed unit improvements and subsequent rent increases.

Strike

Meanwhile, the Great Berkeley Tenants Strike, initially set for mid-November, limps along. BTU organizers have been circulating strike pledges for two months. Each Sunday they comb designated sections of Berkeley to promote the Union, build support and sniff out grievances. To date, about 500 people have committed themselves to withhold rent if realtors refuse to negotiate.

In preparation for the strike and possible evictions, the BTU has trained 25 volunteer counselors to give basic legal advice and refer tenants to lawyers. Aided by computers and law students, three committees--on research, legal problems and demands--document landlord abuse.

Union leaders charge the large management firms with gouging high rents and making off with a 25 percent annual profit. The realtors deny this but refuse to open their books.

Proving exorbitant profit has been BTU researchers' toughest job. They can point to specific cases: a 25 per cent rent in-

crease at 2535 McKinley St., for example, where taxes rose \$664 since 1966 while landlord income increased \$16,300. But they cannot tabulate gross profits.

Dick Bacheneimer, manager of Premium Realty, explained to the Guardian the difficulties of computing profits: tax forms and cash flow cannot be precisely equated. In his firm's 15 unit apartment at 2339 Hilgard Ave., for example, studios (\$125) and one-bedroom apartments (\$155) netted \$5000 last year; his tax form showed a \$3,400 loss after depreciation write-offs.

Also, individual buildings vary so greatly in age, tax assessment and rent, Bacheneimer said, that comparison is tenuous at best.

Moreover, Bacheneimer contends, high rents do not necessarily indicate lucrative profit. "Most management firms in Berkeley are poorly run and rent increases are used to cover mistakes," he said flatly. He noted how few realtors appealed recent tax assessments. "So what if there was an assessment mistake? They couldn't care less. They simply pass the increases on to the tenant."

A liberal among realtors and a former foreman of the Contra Costa Grand Jury, Bacheneimer thinks county assessment practices warrant investigation. Inequitable assessments, a primary cause of high rents, he attributes to an understaffed and outdated assessor's office. Pointing to his tax bills, Bacheneimer cited one building assessed at 70 per cent of market value, another at 30 per cent. "If this sheet is so far off," he asked, "what the hell does the whole county look like?"

City action

Rumblings of the Tenants Union have prodded the city into action. The new Council Committee on Rental Housing is looking into tenant grievances and unlawful lease practices. Councilman Warren Widener, who chairs the 10-member committee, told the Guardian his group hopes to publish its findings early next year.

What will be the city's policy on policing rent practices? "There is no answer to this question at the moment," Widener explained. "The city attorneys seem to feel the city has no authority for rent control, and besides, we don't feel there is any impetus for this. We're not going to push for something the tenants don't want."

"Our preliminary investigations," he continued, "show rent control practices in Paris and New York have been unsatisfactory. We are not shutting out the possibility of rent ceilings, but we haven't been moving in that direction."

(According to BTU leader Craig Pyes, the Union does not advocate rent control: "With rent control, the power is still in the courts or legislature, which are branches of the Establishment and friends of money.")

So far, the Council committee staff has been gathering information: "We know that the rents have increased in Berkeley," Widener reported, "We know that the conditions of some rental units is unsatisfactory. And we know that taxes have risen."

Widener anticipates changes in lease provision and new legislation to protect tenant's rights. ("Current law is weighted in favor of the landlord," he noted.) He expects public exposure of committee reports to provoke reform.

But his committee's most immediate concern, he said, is "to prevent riot in the streets."

Conspiracy

The police, too, are trying to prevent riot in the streets. Sgt. Fred Reese and Lt. R. B. Johnston reported they have been "considering" the possibility of arresting the entire BTU leadership for conspiracy to advise people to withhold rent, a felony rap.

The spectre of the Berkeley People's Park evidently haunts the police department. After last May's bloody confrontation, Reese became coordinator of the Community Services Assistance Program. "Up until recently," Reese told the Guardian, "the police have had to react to situations already built. Now the police are attempting to become involved beforehand to avert crisis."

Reese, as community mediator, persuaded the Berkeley Board of Realty in early September to acknowledge tenants had some legitimate gripes. The board formed a committee to revise negative clauses in the lease contract and to act as depository for "cleaning deposits"--which somehow rarely get back to tenants.

In early October, Reese, as everybody's friend, went to a BTU meeting, ostensibly to pave the way for informal negotiations. He barely got inside the front door before BTU organizers voted to toss him out. Negotiations were impossible, they argued, until the landlords recognized BTU as the designated representative of the tenants.

Finally, Reese, as official police spy, named for his superiors the "militant radicals" leading the Tenants Union pack.

Officials of the Berkeley Board of Realtors are equally skeptical about the BTU's leadership: "The real people behind this are not sincere in their attempt to get lower rents," Jack Whiting, board director, told the Guardian. "They are trouble

makers. They are the same people who were the People's Park organizers. There is no question about it. If it wasn't a rent strike it'd be something else."

Whiting and Board President Jack Seltzer have advised board members to talk things over with their tenants. "You take a kid from Fresno who just got off the bus," Seltzer explained.

"Without understanding the picture of higher rents in Berkeley he thinks he's being gouged... The average student is a very naive person. It is probably the first time he has taken out a rental contract and he may not understand his rental obligations."

Liability

Meanwhile, the BTU claims, landlords renounce their obligations. Example: the standard Mason-McDuffie lease takes no responsibility to maintain the safety of its buildings. The paragraph on liability states:

"The tenant shall assume all risk of loss to personal property by reason of rain or water leakage, gas, plumbing, electric wiring, sprinkler, operation of elevators, or any other cause whatever and the landlord shall not be or become liable therefore. The tenant shall assume all risk of, and liability for, damages to property and damages for injuries or death to persons in or about said premises and the sidewalks adjacent thereto from any cause...."

Despite the doubtful legality of such clauses, no one has tested them in court. The Board intends to delete from its standard lease "that the lessee waives all rights under Section 1942 of the Civil Code of California and releases the lessor from any and all damages which may be sustained by the lessee." But the paragraph still stands.

Short fuse

Seltzer, like other Berkeley landlords, worries about tenant demands leading to rent strikes and mass eviction:

"Nobody likes the idea of such a problem here," he asserted. "When you start fooling around with a person's home--which is supposed to be his castle--you're going to get tempers on both sides and have a short fuse situation. They have a very sympathetic issue. Rents are high in Berkeley, awfully high. Potentially, this could be the most violent situation we've had in Berkeley. It could make the People's Park look like a picnic."

THE END

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Like everything else these days, poetry seems to be moving into the streets--well, perhaps not entirely into the streets, but at least out of the little magazines and off the campuses. This is a good thing. Contemporary poetry is far too trivial, private and remote, and if it won't survive the heavy weather of the streets (or of a paper like the Guardian) then perhaps it ought to die.

But that won't happen; what will happen is that we'll get stronger, more direct, poetry.

Take these poems of Lucille Clifton, a black poetess whose work has recently been published by Random House in a volume called GOOD TIMES. - Bill Anderson

THE MEETING AFTER THE SAVIOR GONE

4/4/68

what we decided is
you save your own self.
everybody so quiet.
not so much sorry as
resigned.
we was going to try and save you but
now I guess you got to save yourselves
(even if you don't know
who you are
where you been
where you headed

MISS ROSIE

When I watch you
wrapped up like garbage
sitting, surrounded by the smell
of too old potato peels
or
when I watch you
in your old man's shoes
with the little toe cut out
sitting, waiting for your mind
like next weeks grocery
I say
when I watch you
you wet brown bag of a woman
who used to be the best looking gal in Georgia
used to be called the Georgia Rose
I stand up
through your destruction
I stand up

MY MAMA MOVED AMONG THE DAYS

My Mama moved among the days
like a dreamwalker in a field;
seemed like what she touched was hers
seemed like what touched her couldn't hold,
she got us almost through the high grass
then seemed like she turned around and ran
right back in
right back on in

GOOD TIMES

My Daddy has paid the rent
and the insurance man is gone
and the lights is back on
and my uncle Brud has hit
for one dollar straight
and they is good times
good times
good times

My Mama has made bread
and Grampaw has come
and everybody is drunk
and dancing in the kitchen
and singing in the kitchen
oh these is good times
good times
good times

oh children think about the
good times

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no president

- continued from page 4
voice rumbles over our heads
on some other wave length, he
is talking to the television cameras,
accusing the President
of prolonging the war--Who is
The One who refuses to listen
to the people? Abernathy asks.

NIXON'S THE ONE, he answers
himself. So we tune in,
on cue, like children learning
our parts we shout NIXON'S
THE ONE after each long, rhetorical
question.

But we grow impatient with
this litany--who do these speakers
think we are?--our attention
wanders away again, a
transistor radio passes by in the
hands of a black girl: "--land
on the Moon," I hear a newscaster's
voice saying. A young white man
with long curly hair wanders among
us calling out "acid...lids!"
Laughter. But what happened to
the energy that was zinging around
this field only moments ago?

It's still here, we are patiently
sitting on it. If we need to draft
people to go fight in Vietnam,
Abernathy is saying, he has a perfect
candidate: Ronald Reagan! Suddenly
we're on our feet, raising V-signs in
the air, joyously chanting to
ourselves:

DRAFT RONALD REAGAN!
DRAFT RONALD REAGAN!

This is what we want to do,
get up and ride. But the speaker
is totally incapable of using this
sea of energy. As much as
Abernathy abhors Ronald Reagan
and Richard Nixon, he is part of
their generation, his heavy voice
rumbles on over our celebration,
he has this

speech to give, this program
to follow. Slowly we break off
our din, sigh, settle back down
politely, we are good children
again.

If we march in the streets
carefully not exerting ourselves
for if we breathe this air too
deeply it kills us,

the President still won't listen.
And until our real president
walks

among us unafraid, as though in
dream, shining

as he comes out of the water,
we have no president.

THE END

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'Oh, Calcutta'-- Cash before critics

The Boys in the Band (Committee Theatre)
1491 (Curran)

"The Boys in the Band," at the Committee Theatre, is a candid look at homosexual life and will no doubt attract customers for the same wrong reasons that "Hair," "Geese" and "Oh, Calcutta" do.

But unlike its fellow sensation-mongers, it is a good play. Mart Crowley treats his sensational subject matter with wit and style, and, at least until the final portions get heavy-handed, you can enjoy laughing at funny lines and empathizing with interesting characters as well as peeping through another naughty keyhole.

But I left this commendable play with sorrow rather than

joy. Perhaps I am just tired of plays primarily interesting because their characters are queer, in one way or another. And perhaps I am growing resentful of playwrights and producers whose dreary reiteration of the bizarre and the grotesque has resulted in an art form that would have us believe there are no other aspects to American life.

Speaking of the bizarre, I cannot review "Oh, Calcutta" because I haven't seen it. I arrived ten minutes before curtain time instead of 15, and found the ticket being held for me had been sold to one of the eager patrons who nightly line up at the box-office desperately hoping for cancellations.

I can't blame the management for giving precedence to

cash over critics. For one thing, the cash is considerable, having gone up recently to \$15 per ticket for the first row and \$10.50, \$7.50 and \$5.50 for the rest (and \$25 a seat for the entire house on New Year's Eve).

And, for another thing, critics don't seem to have any effect on this show. As far as I know, only two critics, those for the Sacramento Bee and the Berkeley campus newspaper, found favorable things to say about "Oh, Calcutta." People who have seen the show have described it to me in some detail, and I am satisfied that it must be one of the most clumsy, gross, despicable shows ever staged. The recurrent theme in all the criticism, both professional and amateur, is that the show is not funny.

I asked Kenneth Tynan, the prestigious Englishman who conceived the show and put it together, about this odd fact and he explained it with the finest example of the intellectual cop-out I have ever heard.

He solemnly assured me that some of the sketches written by the noted men of letters who contributed to the show were simply too good, too literary, too excellent for the show's purposes, which are primarily to arouse and amuse. So the "better" writing had to be thrown out.

The idea that pornography and low humor can't be as intelligent or well-written as anything else is, of course, rot. But I must credit Tynan with

expressing this rot with remarkable charm. He almost sold me.

Herb Caen reports that the cast of "1491," the Civic Light Opera musical at the Curran, refer to the show as "745 1/2," because it's routine for half the audience to fail to show up for the second act. One can see why.

Meredith Willson has devoted his considerable musical talents to the fancy that Columbus might well have experienced some kind of romantic peccadillo with Isabella. This is almost as ridiculous as the idea that a serious musical play about Columbus could possibly be any good. The very concept bears such a hopeless burden of pomposity and corn it should have been abandoned at first gleam.

But Edwin Lester has all those Civic Light Opera subscribers waiting eagerly for more lavish costumes, gypsy dancers, ornate sets and expensive chandeliers, so "Sail On!"---as Columbus sings in one particularly embarrassing number.

John Cullum and Jean Fenn are beautiful, authoritative and musical as Columbus and Isabella, and Chita Rivera brings a fine elan, in the old Broadway tradition, to her acting and dancing. But there is something terribly uncalled-for about this show. Is the traditional musical comedy dead?

I cry no to that question and place blame for the deficiencies of "1491" on Lester and his hacks, not on traditional theatre itself. The avant-garde the-

atre's bad taste, grotesquerie and lack of finesse drives me to theatrical conservatism. I perceive that even a hip, modern audience might love a musical about Columbus if the corny, romantic approach had been discarded and a swinging, satirical approach used instead. In Gino Conforti's low comedy playing of King Ferdinand there are suggestions of how satire or even parody might make this pompous plot entertaining instead of dull.

Ferdinand is not written very humorously---Civic Light Opera characters are seldom humorous except in the heavy-handed, childish style of Comic Opera, as horribly demonstrated by Hans Conreid in "Rosalinda"---but some writers for the musical stage have a sense of humor (witness "Bye Bye Birdie" and "Fiddler on the Roof").

If such talent were engaged for "1491" and "Man of La Mancha" and the other dull, stately libretti giving modern musical theatre a bad name, the contemporary theatre patron might rediscover the pleasures musical theatre ought to provide. And stop wasting his money on groping, desperate experiments like "1491" and "Oh, Calcutta."

THE END

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By Douglas Giebel

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Sandwiches: For plain sandwiches at low prices, Rossi's Delicatessen (426 Castro) serves salami on a French roll for 45

cents. Pastrami fanciers, try Solomon's (424 Geary): \$1.20 --but a meal in itself.

Mexican: The Mexican food at Guadalajara de Noche (2904 24th St.) comes in generous portions at modest prices. The atmosphere is unpretentious.

Pizza: Sorrento (314 Columbus) of course. But don't overlook John's (1814 Clement).

Chinese: For Chinese dining, try the South China Cafe (4133 -18th St.). This isn't Chinatown, but the sweet pea chow yuk is light and tasty. Dinners average \$1.50.

And out of town-- Hamburgers: In its cramped quarters (13496 San Pablo) in San Pablo, Giant Hamburgers offers large slices of extra-high-calorie pie and (what else?) giant hamburgers.

By inspiration: The Cafe Beaujolais, 951 E. Ukiah St., Mendocino, provides friendly and gracious dining. Gerald and Ellen Pitsenbarger fled Berkeley to establish this family enterprise. They serve some of the best food in California. Open Friday, Saturday and Sunday through the winter season, 5:30 to 10 p.m. The single dinner choice changes daily by inspiration. \$6. Reservations are necessary (707-937-5614). Worth a trip north.

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Medium Cool (Cento Cedar)
Seven Samurai (Gateway)
Alice's Restaurant (Larkin)
More (Metro II)
Goodbye, Mr. Chips (Golden Gate)

By
Margo
Skinner



"Medium Cool," though castigated by Mike Nichols as "film journalism" at the recent San Francisco Festival, won enthusiastic applause from viewers there.

Haskell Wexler, an ace cinematographer, has in his first directing effort a cast of thousands--most of them fuzz, demonstrators and convention delegates in Chicago, summer 1968. His "sets" are black and Appalachian white slums, the red-white-and-blue festooned auditorium where the Democratic "charade" is going on and the streets of confrontation.

You can smell the impending violence as Robert Forster, tv cameraman hero, photographs National Guard riot training, meets angry black militants, visits a white "gun clinic" and a brutally vicious roller derby. Even his love-making with a

nurse bristles with hostility.

Finally, Forster becomes almost human, forswearing his observer status when he falls for a deserted young hillbilly wife (beautifully played by Verna Bloom) and her wonderful kid (Harold Blankenship, a real-life Chicago slum child). But he's defeated in an ironic, shocking ending.

"Medium Cool" moves fast and powerfully, as sharply edited as "Bullitt." Mike Bloomfield's brilliant musical score helps a lot: Vacuous straw-hatted delegates parade to a tinny, old-fashioned version of "Happy Days Are Here Again," followed by a fast cut to the street, to bleeding young demonstrators receiving medical aid, as the insipid music persists.

Though occasionally contrived (the newsman's "coincidental" first meeting with the slum kid, for example), "Medium Cool" comes across angry, powerful and very human, certainly one of the year's best films.

If you demand perfection, try "Seven Samurai," the 1953 Japanese classic, presented here uncut for the first time. Three and a half hours of viewing seem very short. The great Akira Kurosawa has elevated the samurai form (Japanese western) to high art without

sacrificing its swashbuckling action and humor.

Flashiest of the seven warriors, low-life Toshiro Mifune mugs, scratches, leaps and dances, a latter-day Douglas Fairbanks, Sr. Most impressive, the aging leader of the samurai, Tarkashi Shimura moves with the dignity of a god.

In a deceptively simple plot, the seven fight, for rice alone, to save a poor village from 40 brigands. As in all great films--it becomes a story of mankind itself. I'm going again--and again.

Hippie hero

"Alice's Restaurant" has a hero, too. (Don't laugh, they're rare these days.) Slight, long-tressed Arlo Guthrie is compassionate and brave. He gently turns down an amorous teeny-bopper. He socks a husky heckler in the face with a pizza and tells off a draft board official on Vietnam.

So many phony and sensational films have been made about hippies and youth generally, it's immensely gratifying to see something real. The "Alice's Restaurant Masacre" is wild and Arlo's pre-induction physical hilarious. Two tragic deaths, those of his great father and a young addict friend, are interwoven with spontaneous, joyful hip "happenings" in Arthur Penn's incisively directed salute to youth and life.

"More," on the other hand, has only zombies. This international effort (director from Luxembourg, locations in Spain and Paris, young German hero and American heroine) makes the hard-drug scene overwhelmingly dull. There's gorgeous photography of the island of Ibiza and textures seen under LSD, but, as Talulah used to say, "that's all there is, there isn't any more."

Off the old block

"Goodbye, Mr. Chips" shows definitively how "production values" can ruin a remake of a fine movie. 1939's "Chips" starred the late great Robert Donat as the shy, idealistic schoolmaster hero and marked the debut of an enchanting young Greer Garson as the governess he loved.

In this supervision Chip's dedication to learning becomes a stuffy sense of duty to the old school and his beloved becomes a music hall singer, played uncomfortably by Petula Clark. That way, you can have a big number on stage, see? But everybody, including the schoolboys, sings like a Broadway musical chorus.

Only Peter O'Toole survives the disaster. As Chips, he is stiff, shy, self-conscious, British to the core and curiously lovable--a beautiful, Academy Award caliber performance.

THE END

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By Creighton H. Churchill

North Beach may be bottomless and topless, but since the advent of the Beat, it has never been headless. Along upper Grant, above Columbus, not all the street stones are paving or cobble, and storefronts bristle with engaging white middle class drop-outs plying their wares—"Speed, acid, lids?" or just "Spare change?"

The new mecca for the Hip (who replace the "Hep" by about ten years) hasn't the taste of despair and impending starvation found in the Haight, nor the radical, Kill-the-Establishment-for-Peace trips found along Berkeley's Telegraph Ave. Rather, North Beach has mellowed into an Aquarian Age market center, where vendors peddle their goods or pharmacology with a modicum of style and flair.

Some say this relaxed sociology happens because the Hip can't outrage the straights on Broadway. Some acid freak will trip along shouting obscenities, pinching old ladies from Le Mars, Iowa, and tourists think he is a sidewalk pitchman for the topless clubs. Satire in living color stumbles about each time the lights change on the Columbus corner.

In decor, the Hip of Upper Grant appear suave and worldly compared to the neon strung carelessly around the peeling paint on Broadway. The Latin Quarter has outdone its own record of tastelessness (old bras and panties around its facade) with garish pink flags and nudie movie signs. Indeed, the only nice thing about lower Broadway is the closing of "Headhunter," a bastion of boredom run by some local heads. Anyone with \$2,500 per month can start his own club in the now vacant shell of "Goman's Gay 60's."

• • •

North Beach still has its traditional Italian cafes, but inflation has hit. The \$2.75 five-course dinners at the NEW PIZZA and LA PANTERA have gone above \$3.00, and 50 cent drinks push 75 cents even at back alley bars.

Down Columbus several blocks from Broadway is the GOLD SPIKE, 527 Columbus Ave., an ancient bar and restaurant which tourists would love to frequent, except they would be beaten to a pulp by some of the regulars at the bar--even the brawny, shrewish, hard drinking North Beach old ladies, a phenomenon themselves. The nicest thing about the decor is that there's lots of it-smelly, moldy and rather pleasing. Everything from old guns and deer heads to business cards and garters cover the stained, aged walls.

The food is multi-course and good in an Italian-Continental manner. Behind the full bar, loaded with memorabilia, the bartender knows everyone by name and probably their fathers before them. Dinners with wine run to \$9.00 for two, but, considering current prices, a bargain. The crowded, low, steamy atmosphere is worth the price itself.

Up the hill at 1434 Grant, the more elegant SAVOY TIVOLI serves Spanish paella and red wine sangria at a miraculously low price. The restaurant section is large, open and curiously decorated, with real potted palms, a small fountain, cafe chairs, checkered tablecloths and an exotic zoology of patrons. The restaurant/bar offers a wide choice of food and drink, largely European, and a couple can enjoy an excellent meal for under \$9.00.

• • •

Intensive cultivation of Victorian camp by the above-ground cafe Hip has gilded Union Street with success, pushing boutiques to the second story from overcrowded street level. One hopes the city would block off the street, plant lots of trees, and make the whole area into a shopping mall--but style and ecology are not city hall shibboleths.

At 2044 Union, neighboring the Coffee Cantata, is a unique complex of shops entrepreneured by Richard Rose, a young, successful clothing merchandiser. Called the VICTORIAN COURT, his amalgam of boutiques inhabits an old, multi-level Victorian and its out-buildings.

Upstairs, poet Kenneth Rexroth runs a hard- and paperback books shop, while the second floor houses a knitting boutique and a male-and-unisex clothing store. A large antique shop and an excellent restaurant called the BENGAL LANCER occupy the back and side of the complex. A gift shop shares street level with an intriguing clothing store for young Pacific Heights ladies--RHINO'S FANCY, run by Rose.

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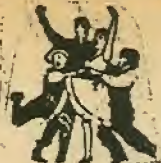
Of recent note: Rose's display of custom designed "21st Century Western" clothes and artifacts by Bob and Sue Ferguson of the "Cloth Sculpture" studio. Heavy in velvet and leather combinations, the Fergusons design modern "body fitted" clothes, yet retain a Victorian/Western feel, flair and elegance. They also produce "environment objects" like huge velvet floor pillows, curtains and hangings and sell genuine late 1800's western antique furniture.

Prices all around are rather reasonable, considering quality and location, and Rose expects to expand into larger quarters on Polk street early next year.

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- continued from page 3

make final decisions on all tactical and strategic questions, after full consultation with his lawyer. Young San Francisco Atty. Terence Hallinan told the Guardian he focuses on the defendant's actions and goals, avoiding questionable political analyses.

Ann Ginger, president of the Meiklejohn Civil Liberties Library, veers off this "center" strategy somewhat. She questions whether any lawyer "has special expertise in leading a movement for some goal other than legal reform?" She insists on maintaining sharp distinctions between client and attorney, but urges close cooperation:

"The client must explain movement strategy to the lawyer so the nonlegal issue that caused the legal case is not lost sight of...the lawyer must explain legal alternatives and tactics to the client and his defense committee" for them to choose from. Nevertheless, Mrs. Ginger claims, lawyers should do the "law thing" and organize other lawyers to defend political clients.

This applies to "right" and some "center" defense strategies. Lawyers should turn political issues into legal points. They should appeal to the libertarian ideals of the Bill of Rights--what Mrs. Ginger calls the "old-fashioned virtues" of freedom and equality. But they should leave political organizing to the organizers.

Paul Halvonik, staff counsel of the ACLU of Northern California, argued in a Guardian interview that although a political defense may succeed, it does not "make law"--establish precedents--useful to others. (Intent on constitutional issues, not on organizing jurors, the ACLU avoids trial cases and specializes in appeals.)

How does a lawyer decide whom to defend?

The problem crystallized in

a National Lawyers Guild conference following SDS-Weathermen's disruptive demonstrations in Chicago in early October. Arthur Kinoy, a New York attorney, argued that because Weathermen are militant Movement activists under attack by the government, Guild lawyers should defend them.

Peter Franck, of the Berkeley firm Franck, Hill, Stender, Ziegler and Hendon, countered in a Guardian interview that the most militant action is not necessarily the most radical, that to defend 200 felonies would seriously sap legal resources. He said he had strong political disagreements with Weathermen and would not make their defense a priority in his own work. Most likely, he observed, Weathermen would not choose him as their lawyer.

The Guild recognized its inability to defend all comers, but agreed to do its best in assisting Weathermen.

The lawyer's relationship to the courts, on a philosophical level, means identifying the role of the court system in the government and in political repression. Radical lawyers reject the "straight" definition of the courts as impartial arbiters of society. Instead, they regard them as repressive tools of the Establishment; aggressive assertions of state power used to demoralize and jail "enemies" of the government; defensive reactions to threat.

Radicals define as "political trials" not only cases specifically aimed to immobilize political activists. Bumstein includes any case in which "public opinion and public attitudes on one or more social questions will inevitably have an effect on the decision"--criminal charges against, for example, an unemployed black man.

Some radicals, stressing the class nature of the law, claim that all cases involve selective enforcement. A Research Organ-

- continued on page 19

guardian classified

BUSINESS PERSONALS

The UNITED STATES DIRECTORY has just published a comprehensive research guide to the radical movement in America. The GUIDE TO THE AMERICAN LEFT contains some two thousand individual listings of left-wing organizations and periodicals, as well as a bibliography of books and magazine articles on the New Left. This GUIDE, the most extensive of its type yet available, lists both old left and new left, and has a special section on Canadian and foreign listings. It represents many hundreds of man-hours of research by the UNITED STATES DIRECTORY collective.

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Organizing the courts-- the offense and defense

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izing Cooperative pamphlet, "Strike at Frisco State!" observes: the state enforces "the law that protects property, not the law that protects human life and health. They prosecute the poor, the black, the brown, the young--but not the rich."

Those outside the property system, Mrs. Stender contends, are simply not protected. Thus every ghetto arrest or dope charge or welfare fraud warrants a political defense if defendants and lawyers view it politically.

In contrast, Judge Kennedy defines political prosecution more narrowly: as an effort to control thought. He admits that in at least one SF State case (which he refused to name) sentences reflected the judge's political prejudices.

Judge Kennedy also regards as political interference Alameda County Assemblyman Don Mulford's admonition to judges that "they might possibly have heavy financial opposition when they run for re-election" if they appeared "soft" on the SF State cases. But Kennedy rejects the general designation of those cases as political trials.

On a practical level, a lawyer's relationship to the court involves daily contact with judges, district attorney, court

clerks and police.

According to Doris Walker, of the Oakland firm Truehaft, Walker and Burnstein, when possible political lawyers should maintain "correct relations" with the courts--courtroom, polite, superficially friendly. It helps clients and reduces unnecessary tensions.

But in some circumstances, lawyers cannot stay on the good side of the court even if they want to. Black civil rights lawyers in the South, for example, must accept court harassment as part of their trade.

Dennis Roberts, who worked for two years with C.B. King, a prominent black lawyer in southwest Georgia, describes the courts' small, annoying vengeance on defenders of the black community: scheduled last on the court calendar, refused access to police reports, defeated in their civil ("non-political") suits, thus discouraging clients and sapping their financial base.

In working out his relationship to both his clients and the court, a lawyer must define his own politics. Mrs. Stender divides political lawyers into categories roughly corresponding to age groups.

Generation gaps

First, young lawyers and law students, who identify strongly with radical causes and new life styles, confront the difficulties of assigning their profession a role in anti-Establishment politics. Some identify themselves as Movement people first, lawyers second.

Dan Siegel advocated this priority at a San Francisco lawyers' demonstration in October. Lawyers must defend the Movement in courts until the time when they can "join their clients in the streets."

Other lawyers in the Movement put profession before politics. It would be unfair to his clients, Terence Hallinan contended in a Guardian interview, to put his political com-

mitment first, although he considers himself a Movement person out of court and defends Movement people in court, frequently without fee.

Mrs. Stender's second category includes older lawyers, often from straighter, "Old Left" backgrounds, with middle-class-professional life styles. Many Old Leftists, Mrs. Ginger adds, do not see the courts as major vehicles of social change; they focus on political work in trade unions, citizens groups, etc., while making political defenses in court.

The third category consists of lawyers in an age group between the other two. Although sympathetic to young radicals, they do not personally identify with new life styles. Lawyers in this group may see their role as "brokers"--representing Movement people, able to talk the "language of the courts."

Battleground

Radicals who accept the analysis of the Court as an Enemy wage campaigns against as well as inside them. The MLF Handbook, for example, exhorts people to regard political cases "not as fights IN the courts... but as fights WITH the courts... If... we view this as one more area around which to organize, and one more institution to discredit and delegitimize as we are doing with the colleges, high schools and political parties--ONE MORE BATTLEGROUND--these cases can be turned to our advantage."

Effective radical politics aimed at the courts confronts serious obstacles, some peculiar to America. First, corresponding to the fragmentation and diffusion of the Movement itself, no single, centrally coordinated legal defense organization has emerged.

In the Bay Area, for example, various defense committees evolving from specific struggles (Huey Newton, SF State, Los Siete, etc.) operate ad hoc for as long as the struggle continues. Only the Lawyers Guild offers continuing resources for legal aid to radicals.

A national political defense group is coalescing around the Chicago 8 defense committee. But to date, Movement defendants rely primarily on ad hoc committees and individual, "star" lawyers; Kunstler, Garry and Kinoy have become "trade names" in political defense.

In contrast, other political movements developed coordinated defense organizations: The Communist Party had the International Labor Defense, the Socialist Party had the Workers Defense League. Liberals and pacifists have the American Civil Liberties Union and moderate civil rights activists the NAACP.

Discontinuity

The second obstacle to developing a national defense organization is the historical discontinuity of American radical politics. Radical history was "interrupted," comments Mrs. Ginger, by patriotic mobilization during World War II and the McCarthy era of the early 1950's. Many political lawyers faced contempt proceedings, disciplinary action, disbarment or criminal charges. Old Left defense committees, proscribed on the Attorney General's list, intimidated and broken, dispersed. The New Left remains largely ignorant of Old Left

defense techniques.

The non-violent civil rights movement, Mrs. Ginger continues, developed civil disobedience tactics which minimized the necessity for legal defense. The Warren Court wooed liberals and some leftists into confidence in American justice. The war on poverty produced OEO-sponsored neighborhood legal assistance services which pre-empted the development of radical community legal aid.

Bay Area radical lawyers have begun to regain the initiative in community legal services--for example, through neighborhood legal aid offices and the Berkeley Tenants Union. But such affirmative action remains rudimentary.

New political conditions will require new defense strategies.

In Leviathan, a radical monthly, a Berlin SDS collective outlines "a strategy in which a systematic and permanent campaign against the courts is an integral part of the movement's struggle against capitalism.. (It) raises the question of solidarity with everyday victims of class justice."

The proposed strategy includes not only demonstrations around trials and confrontations in courts, but also continuing political work in prison around, for example, "a two time loser up on felony charges, or the prosecution of some gang kids."

Radicals agree America is entering a period of concerted political repression. Tom Hayden, discussing the conspiracy law under which he is being tried, claims federal statutes now legally sanction a degree of repression previously regarded as only southern.

Whether the Left will succumb in the 70's as in the 50's depends in part on Movement mobilization and government tactics.

New directions

In any event, the courts must develop new techniques for handling dissent. Judge Kennedy, a representative of the liberal Establishment, claims the judicial system is not equipped to deal with mass trials. He regrets the legal floundering of the Chicago 8 case. Taking the People's Park arrests as a model, he proposes an efficient method of preventive detention to cope with large, disruptive demonstrations:

First, massive arrests "stem the rushing tide." Then, dismissing charges against most demonstrators leaves only the leadership and "hit and run" terrorists for prosecution. The state can prove they broke the law and easily convict them.

Many things justify arrest, Kennedy explains, but not

conviction. Anybody in the area of a crime or threatened crime is subject to arrest; if no evidence can be found against him and he attests to his innocence, Kennedy advises, let him go. Exercising its right to "reasonable discrimination" in prosecuting, the court can avoid mass trials.

But several lawyers hopefully suggest the "cultural revolution" in America will make it harder to isolate radical forces now than in the 30's and 40's.

Tony Serra, for example, claims the current "psychedelic renaissance" offers a vision of a new society. He contends that young people, unwilling to deal in poverty, racism and war, constitute an irresistible anti-Establishment force.

But for radicals to rely on "hip" jurors would be foolhardy in an overwhelmingly "straight" community. Berkeley proves the exception not the rule.

Moreover, the politics of the cultural approach are open to attack as elitist and insulting to "the people." "Left" and some "center" strategists denounce the hip revolution as no revolution at all.

To win, political defense demands organizing both jurors and the public. Victory in a people's tribunal means convincing the people you are right.

THE END

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If you find a stray animal, don't take it to the San Francisco SPCA. You almost surely will sentence it to death.

In this age of Orwellian newspeak, one of the worst offenders of the English language is the well-heeled organization that continues to call itself--despite all available evidence--the San Francisco Society for the Prevention of Cruelty to Animals.

The SPCA routinely and cruelly kills most of the animals brought to the public pound it has operated since 1933. It kills many soon after they reach the pound, uses a "euthanasia machine" that terrifies the animals and refuses to spend a penny of its \$4 million assets and donations to advertise animals for homes. SPCA kills deer, foxes, raccoons and other wild animals that wander into the city, instead of returning them to a wilderness habitat.

When a reporter asked how people are supposed to find out how they can save homeless animals from death, Executive Vice-President Charles Friedrichs replied: "We have a telephone." (Friedrichs, who himself has no pets, gets \$30,000 a year in salary.)

This whole bloody business at SPCA was disclosed four months ago in a public hearing before Supervisors Robert Mendelsohn, Robert Gonzales and Jack Morrison. SPCA continues, in the summing-up by a hearing witness, as "the Auschwitz for animals."

Two employees (one had been fired for "insubordination" for questioning SPCA practices) alleged extreme cruelty when SPCA killed animals--by chloroform, suffocation and the "euthanasia machine" that produces death by removing oxygen from the air.

"Animals entering these things are often in a state of terror," Kennelman Dennis Mazer testified. "They know what is going to happen to them." In their frenzy, dying dogs kill cats placed in the machines with them, Mazer added.

"If any type of device brings terror to an animal being destroyed," another witness pointed out, "it is not a humane machine."

(The American Humane Association, affiliated with SPCA, advocates killing animals by injecting barbiturates into the bloodstream. This method, acknowledged as "quick and painless," is used exclusively by Oakland's SPCA--but not by San Francisco's SPCA.)

The SPCA, other testimony showed, has opposed two state humane bills. One would help reduce the "surplus" animal population by insuring the spaying of all female animals leaving a public pound. The other would reduce from 120 to 60 the voltage used in cattle prods at rodeos.

The committee found, significantly, that no city department had jurisdiction over the SPCA-operated city pound and that no formal contract exists between the SPCA and the city. Yet, the SPCA last year received more than \$145,000 in city funds (almost two-thirds of its budget) to operate the pound.

After the hearing, the SPCA arrogantly announced it would make no "changes in policies, practices or procedures." Instead of answering a set of questions from supervisors, the SPCA announced that, as of July, 1970, it would no longer operate the public pound. The city better get somebody else.

The supervisors asked the district attorney's office to investigate. Ostensibly checking violations of state and city humane laws, Assistant Dist. Atty. Frederick Whisman's inquiry amounted to: (1) a friendly chat with Friedrichs and (2) a guided tour of the SPCA. Whisman was less friendly in talking to those with personal dealings with the SPCA. One woman, after waiting two hours one afternoon and three hours the next morning to give Whisman a signed statement, was told she "would be called later." She never was.

The result: a clean bill of health for the SPCA. And the Supervisors who professed indignation at the hearing? Well, Mendelsohn, Gonzales and Morrison haven't done much since. Only Supv. Jack Ertola, who prompted the investigation in the first place, appears receptive to reforming the public pound. The wheels seem greased to reinstate the SPCA as the city's worthy keeper of the pound.

Fortunately, some hearing witnesses have formed a citizen's group, Citizens for the Protection of San Francisco Animals, to keep the pressure on city hall and to see that the SPCA isn't reinstated without public challenge.

This time, the city must insist on humane rules

and machinery for its pound: the establishment of a commission to oversee the pound...an ordinance requiring the pound to keep cats and dogs at least 96 hours before killing them...replacing death chamber methods with injection of barbiturates...an aggressive program to find homes for stray animals...a plan to reduce--humanely, without killing--the surplus animal population...careful selection of an organization with the credentials and experience to operate the pound, staffed by people who revere life and love animals.

Not, let us emphasize, San Francisco's Society for the Prevention of Cruelty to Animals.

Black or white

Nov. 6: Patrolman William D. Taylor, white, working off-duty as a teller at the Bank of America. Taylor shoots a black man in the back of the head on a crowded Geary St. sidewalk. The black man, Charles Brumfield, was unarmed. Brumfield had tried to cash a bad check at the bank where Taylor worked, but failed. Brumfield left the bank, walking. Taylor followed Brumfield onto the street, yelled at him to stop, then fired the shot into his head.

Oct. 13: Patrolman Rodney Williams, a black

police officer, head of the Police Department's Community Relations Bureau, also a member of the black Officers for Justice, which unsuccessfully sponsored a police charter revision referendum in the last election--to the anger of Jake Ehrlich's rival Police Officers Association, a white-dominated group, and Police Chief Thomas Cahill's old line officer corps.

Williams drives to a liquor store during off-duty hours with his son. As his car pulls up to the curb, a man runs out of the store, followed by the store owner shooting a revolver at the first man. Williams says he dives across the front seat, throwing his body over his son. After the shooting stops, Williams runs after the fleeing man, but he has disappeared. Returning to the store, Williams notices a patrol car arriving at the scene. Realizing the situation is now in the hands of on-duty policemen, Williams reports the disappearance of the fleeing man, who had robbed the liquor store. Williams then leaves the scene.

Nov. 18: Patrolman Rodney Williams is suspended for dereliction of duty at a special press conference called by Police Chief Thomas Cahill. Cahill reveals a hearing will be held Dec. 8 to decide what action will be taken against Williams.

Nov. 21: Patrolman William D. Taylor is exonerated of any wrongdoing by the police department and the district attorney. His shooting is termed "justifiable homicide."

Tiffany en Deshabille



Tiffany Jones is discreetly robed in this version from the Los Angeles Times...



...but this is what San Francisco Chronicle readers saw when Scott Newhall got done.

Chronicle executive editor Scott Newhall has a secret passion for Tiffany Jones, reports the Bay Guildsman, a publication of the San Francisco-Oakland newspaper guild.

When the English comic strip was introduced, Newhall told the Guildsman, Tiffany appears in much the same state of dishabille as she now does for Chronicle readers.

"Then four or five midwestern editors--I won't say who they are--told the syndicate they wouldn't take the strip unless the artists painted some clothes on her.

"Well, they wrecked a perfectly pleasant, nice girl. The changes they made to cover her up were a grotesque thing. They emasculated the strip. Imagine a guy being so hung up he doesn't allow cleavage."

Newhall set to work with pen and ink. (Of late, however, Tiffany has gone unattended. Newhall has been away from the Chronicle for months to help bring a ship from England to San Francisco for the Maritime Museum.)

"I have a secret passion for Tiffany...she's so god-damn dumb and useless...what the hell."

"I don't intend to besmirch the young lady's unfor-

tunate and obvious virginity. All I want to do is to give her a navel and a set of breasts. There's nothing more involved than that."

Newhall had one last comment, "I was an art student at Cal."

...

Incidental comic intelligence: Charles de Young Thieriot, Chronicle publisher, abruptly bounced Dan O'Neill's superb "Odd Bodkins" strip. Thieriot has never liked the strip and he bounced O'Neill once before, but this time the ouster came with particular Thieriot finesse: just as the publicity for O'Neill's first book was coming forth from his publisher, the Glide Foundation.

The excuse, dutifully passed along by embarrassed reporters in the newsroom, was "we wanted to make room for Miss Peach." A huge sign, "blankety-blank Miss Peach," quickly blossomed in the Chronicle library.

Well, just as before, the Chronicle was barraged by calls, letters, even a Sunday afternoon picket line. Thieriot buckled and O'Neill was back--with a front page notice of return and a page of all the back strips.